IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD., and

NINTENDO OF AMERICA INC.,

Petitioners,

v.

GAMEVICE, INC.,

Patent Owner.

PTAB Case No. IPR2023-00643

Patent No. 10,391,393

PETITIONERS' DEMONSTRATIVE FOR ORAL ARGUMENT

Nintendo Co., Ltd, et. al. v. Gamevice, Inc.

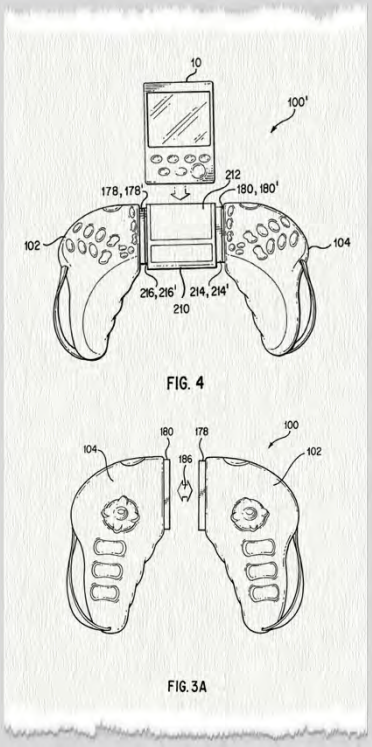
IPR2023-00643

Patent 10,391,393

Petitioners' Demonstratives

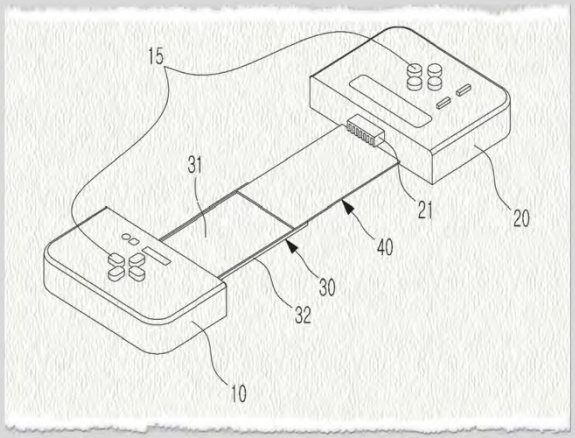
(Oral Argument Aug. 14, 2024)

Ground 1: Willner + Park Combination



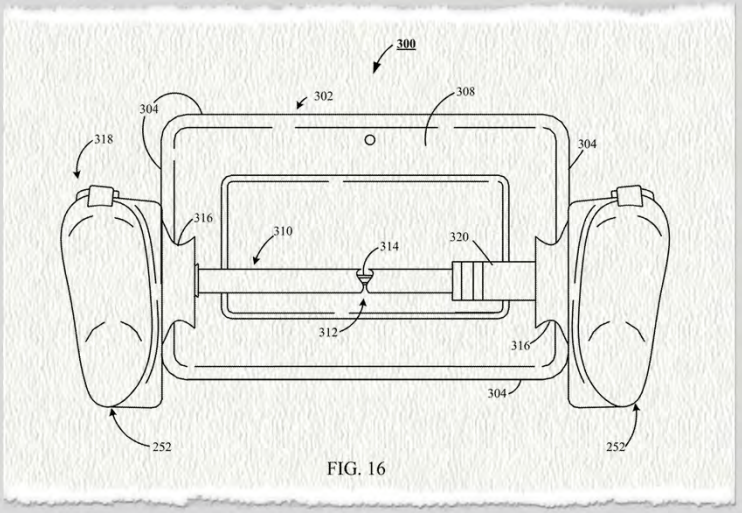
Ex. 1003, Figs. 3A, 4

(Willner)



Ex. 1004, Fig. 1

(Park)

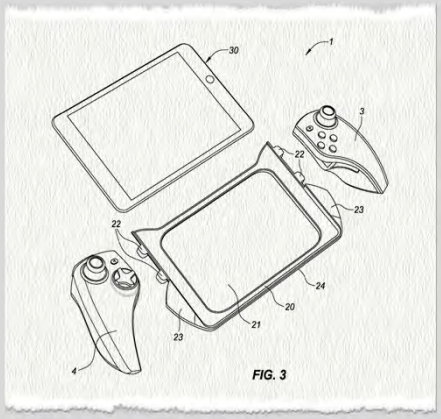


Ex. 1001, Fig. 16

Paper 1, 17, 19-41

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

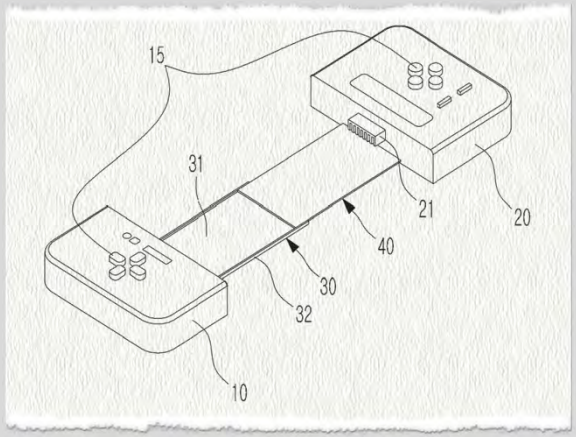
Ground 2: Schoenith + Park Combination



Ex. 1005, Fig. 3

(Schoenith)

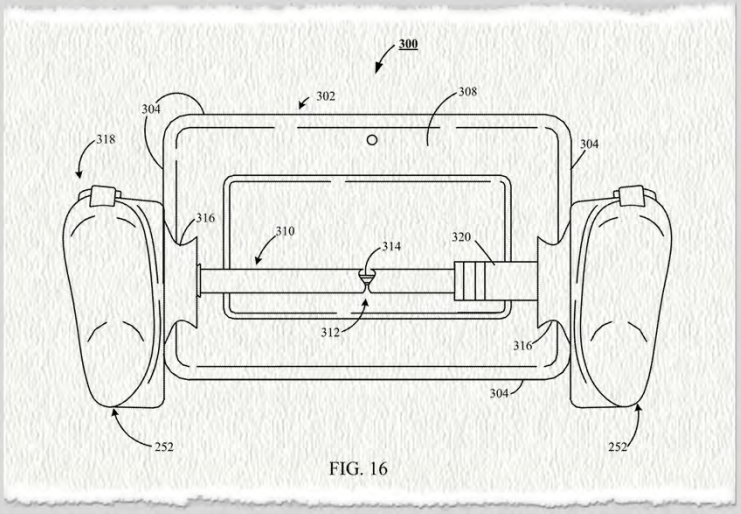
+



Ex. 1004, Fig. 1

(Park)

=

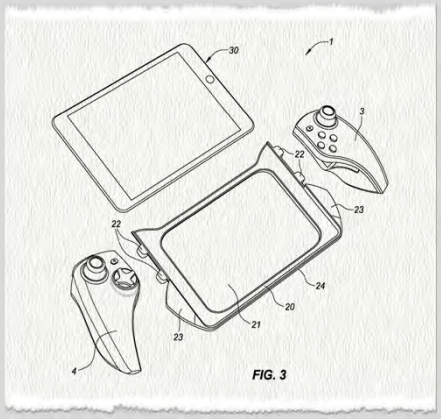


Ex. 1001, Fig. 16

Paper 1, 17, 41-54

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

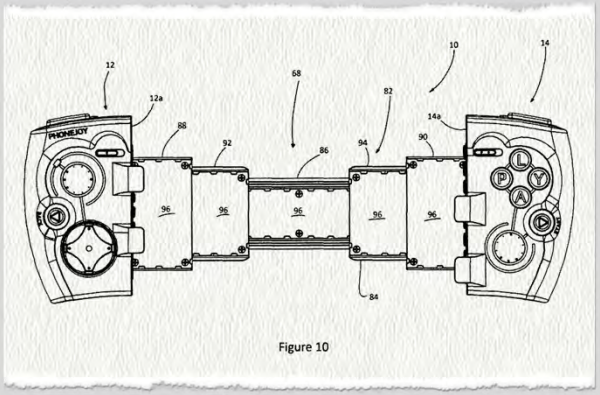
Ground 3: Schoenith + Kessler Combination



Ex. 1005, Fig. 3

(Schoenith)

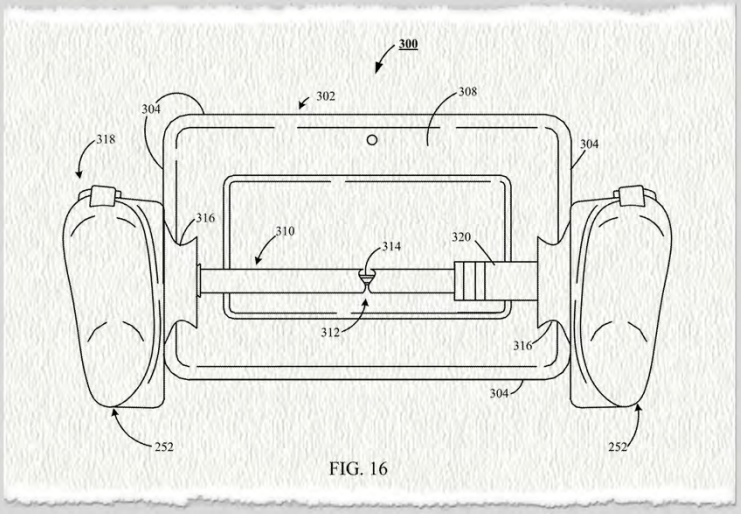
+



Ex. 1006, Fig. 10

(Kessler)

=



Ex. 1001, Fig. 16

Paper 1, 18, 54-66

Gamevice Addresses Only Two Limitations

What is claimed is:

1. A combination comprising:

a computing device;

a pair of confinement structures, the pair of confinement structures interacting with the computing device and adjacent at least two opposing sides of the computing device, but not more than three sides of the sides of the computing device, each of the pair of confinement structures comprising a communication link, each of the communication links configured for electronic communication with the computing device;

a rigid structural bridge disposed between and secured to the pair of confinement structures, the rigid structural bridge comprising a passageway between the pair of confinement structures, the passageway promotes electrical communication between the communication link

1(b)(1)

of a first confinement structure of the pair of confinement structures and the computing device, the passageway further promotes electrical communication between the communication link of a second confinement structure of the pair of confinement structures and the computing device, and

a pair of electronic game control modules, each electronic game control module of the pair of electronic game control modules is secured to and interacts with a corresponding confinement structure of the pair of confinement structures, each electronic game control module in electronic communication with the communication link of its corresponding confinement structure, wherein each electronic game control module is a separate and distinct structure from each of their corresponding confinement structures, forming no structural portion of their corresponding confinement structures, and in which each of the pair of confinement structures are separate and distinct structures from the structural bridge, forming no structural portion of the structural bridge.

1(d)(4)

Paper 21, 1, 8

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Only Two Findings = All Claims Unpatentable

- Willner or Schoenith teach confinement structures [limitation 1(b)(2)]
- Motivation to combine Willner or Schoenith with Park

Board Has Already Made the Necessary Findings

IPR2018-01521 – Schoenith teaches confinement structures:

Id. at 6:48–58. Those disclosures by Schoenith that the raised walls may extend along the right and left sides of the smart device's perimeter and may accommodate different-sized smart devices, in our view, satisfies the claim 1 limitation of a "pair of confinement structures adjacent to and confining the computing device on at least two opposing sides."

Ex. 1010, 13

Paper 1, 19-20; Paper 21, 7-8

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Board Has Already Made the Necessary Findings

IPR2018-01522 – Willner teaches confinement structures:

> We disagree that there is any meaningful structural or functional difference between the sidewalls of Willner's adaptor and the "pair of confinement structures" recited by claim 1. Importantly, claim 1 does not

Ex 1011, 14

Board Has Already Made the Necessary Findings

Motivation to combine Willner + Park and Schoenith + Park

That unrebutted testimony is consistent with the record evidence. As such, we find that Nintendo provides sufficient reasoning to combine the teachings of Willner and Park in a manner that satisfies the claimed "structural bridge."

Ex 1011, 13

with the record evidence. Thus, we find that Nintendo provides sufficient reason to combine the teachings of Schoenith and Park in a manner that satisfies the claimed "structural bridge securing the pair of confinement structures one to the other."

Ex 1010, 14

Paper 1, 20; Paper 21, 11, 24

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Collateral Estoppel Applies When…

- There is a prior final determination
- The prior determination was necessary to the judgment
- The issue in the prior case is the same as in the current case

> In sum, because Gamevice has raised two materially different factual inquiries underlying the obviousness analysis of the '393 Patent's claims than the Board adjudged in IPR2018-01521 of the '119 Patent, Gamevice is not collaterally estopped from raising the issues here.

Paper 27, 11

Paper 1, 19; Paper 21, 3

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Identity of Issues; Not "Inquiries"



OHIO WILLOW WOOD CO. v. ALPS SOUTH, LLC 1333
Cite as 735 F.3d 1333 (Fed. Cir. 2013)

age and PTSD, was "biased towards uncritical acceptance of [Gissendaner's] self-reports of traumatic childhood experiences" and failed to acknowledge conflicting reports from family members, most notably Shane Brookshire's contentions that his sister had not been subjected to either physical or sexual abuse.

[17] Dr. Young's and Dr. Bernet's conclusions were also unpersuasive for other reasons. Dr. Young's findings, including her diagnosis of brain damage, were based on Gissendaner's responses to the Rorschach inkblot test, which Dr. Young admitted had been highly criticized in the psychiatric community, and the patently absurd results of the Rey Complex Figure test, which placed Gissendaner—a woman who had successfully completed high school, served in the military, cared for three children, and been consistently employed since the age of 16—"in the less than 1st percentile" of all people in her ability to organize complex information. Dr. Young did not attempt to confirm her finding of brain damage through the use of any objective diagnostic tests, such as an MRI or CAT scan, and she employed no specific tests to assess whether Gissendaner was malingering during her evaluation. Her insistence that not one of the two dozen capital defendants she had evaluated over the years had ever attempted to feign mental illness, even though doing so might save them from execution, is incredible enough to render her testimony non-credible.

[18] Dr. Bernet's diagnosis of PTSD, as well as his conclusion that Gissendaner lacked the capacity to premeditate and carry out the murder of her husband, were undermined by his failure to administer any malingering tests, seriously consider evidence showing that Gissendaner had planned the murder, and confer with Gissendaner's previous psychiatrists, one of whom (Dr. Garlick) had held regular psychotherapy sessions with Gissendaner and specifically ruled out a diagnosis of PTSD.

Because the state habeas court's finding that trial counsel conducted a constitutionally adequate mitigation investigation did not involve an unreasonable application of *Strickland* or depend on an unreasonable finding of fact, the district court correctly rejected Gissendaner's penalty phase claim of ineffective assistance of counsel.[6]

V. CONCLUSION

For these reasons, we affirm the district court's denial of Gissendaner's § 2254 petition for a writ of habeas corpus.

AFFIRMED.

KEY NUMBER SYSTEM

The OHIO WILLOW WOOD COMPANY, Plaintiff–Appellant,

v.

ALPS SOUTH, LLC, Defendant–Cross Appellant.

Nos. 2012–1642, 2013–1024.

United States Court of Appeals, Federal Circuit.

Nov. 15, 2013.

Rehearing and Rehearing En Banc Denied Jan. 23, 2014.*

Background: Owner of patent directed to cushioning devices going over residual

6. The state court also concluded that Gissendaner was not prejudiced by trial counsel's allegedly deficient investigation because there was no "reasonable probability, that but for this performance, the result of [her] trial would have been different." Because Gissendaner has not satisfied her burden of demonstrating deficient performance, however, we need not address the state court's alternative conclusion that there was no prejudice. *See Windom*, 578 F.3d at 1248.

* Circuit Judge Bryson participated only in the decision on the petition for panel rehearing.

[5] OWW seeks reversal on appeal by arguing that the mere existence of different language in the adjudicated claims of the '182 patent and unadjudicated claims of the '237 patent is sufficient to overcome collateral estoppel. We disagree. Our precedent does not limit collateral estoppel to patent claims that are identical. Rather, it is the identity of the *issues* that were litigated that determines whether collateral estoppel should apply. *See Bourns, Inc. v. U.S.*, 210 Ct.Cl. 642, 537 F.2d 486, 491 (1976); *Westwood Chem., Inc. v. U.S.*, 207 Ct.Cl. 791, 525 F.2d 1367, 1372 (1975). If the differences between the unadjudicated patent claims and adjudicated patent claims do not materially alter the question of invalidity, collateral estoppel applies. *Bourns*, 537 F.2d at 493.

Paper 21, 3-5

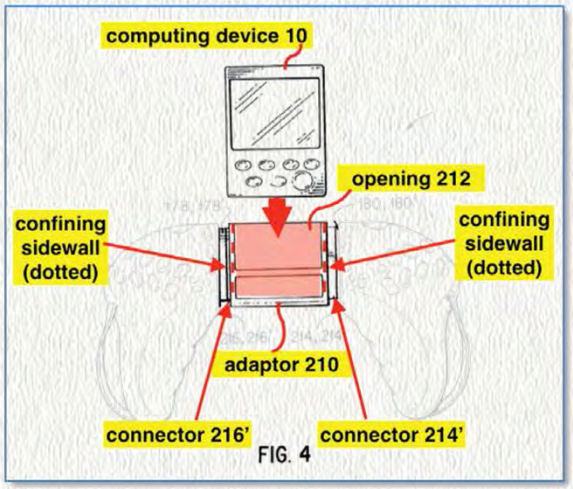
DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Ohio Willow Wood Co. v. Alps South, LLC, 735 F.3d 1333, 1342 (Fed. Cir. 2013)

No Difference in "Treatment" for Willner + Park

sidewalls. *Id.*, Fig. 4. Nintendo's expert confirms as much, annotating Willner's Figure 4 to illustrate how the adaptor's opposing sidewalls conf the computing device once it is inserted into the adaptor's opening. Ex. 1002 ¶ 485. That unrebutted testimony persuades us that a skilled artisan would have reasonably understood that Willner's adaptor acts as a "cradle for the computing device, such that it is "fully nested" within the adaptor' opening. Thus, we find that Willner's adaptor teaches "a pair of confinement structures" in the manner called for by claim 1.[8]

Ex. 1011, 16



Willner Fig. 4 (annotated/highlighted)

port interacting with the

hich provides "an opening 212 into

Willner ¶50. As shown in Fig. 4,

ptor 210 receives the computing

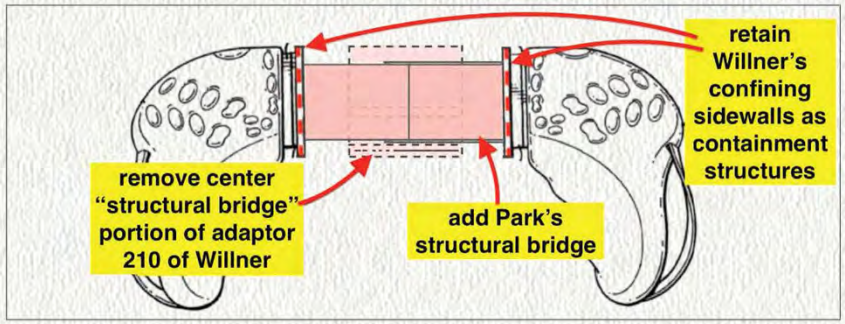
. To facilitate this interaction,

adaptor 210 is comprised of confinement structures in the form of sidewalls, which are adjacent to the computing device, establishing the opening 212. As shown, these highlighted sidewalls confine the computing device 10 on at least two opposing sides of the plurality of sides of the computing device.

Ex. 1034, ¶¶ 485-486; Ex. 1003, Fig. 4

Paper 21, 6-7

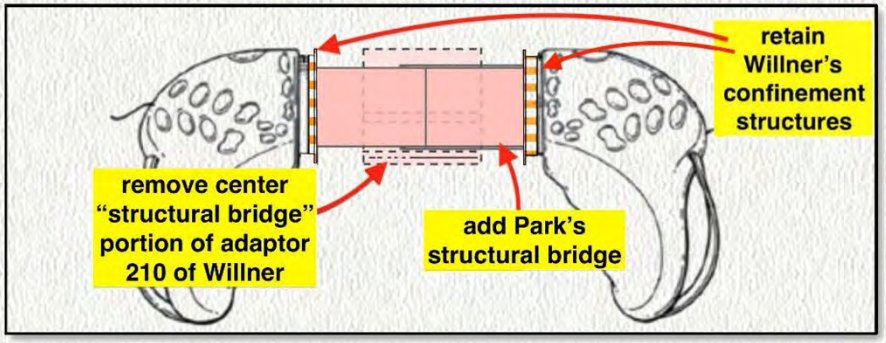
No Difference in "Treatment" for Willner + Park



Possible modification of Willner to incorporate teachings of Park

computing device in the form of adaptor 210, which provides "an opening 212 into which the computing device 10 is received;" *see* Willner ¶50. As shown in Fig. 4, annotated and highlighted below for clarity, adaptor 210 receives the computing device 10, as indicated by the highlighted arrow. To facilitate this interaction, adaptor 210 is comprised of confinement structures in the form of sidewalls, which are adjacent to the computing device, establishing the opening 212. As shown, these highlighted sidewalls confine the computing device 10 on at least two opposing sides of the plurality of sides of the computing device.

Ex. 1034, ¶¶ 485, 505



Possible modification of Willner to incorporate teachings of Park

146. Willner disclosed confinement structures, which are comprised of the left- and right-side facing walls of the adaptor 210, and the connectors that are attached to such facing walls. Willner (Ex. 1003) at Fig. 4, ¶ 50. Figure 4 below shows the confinement structures, highlighted with dotted lines, as well as the structural bridge, in the form of adaptor 210, with the exception of the left- and right-side facing walls.

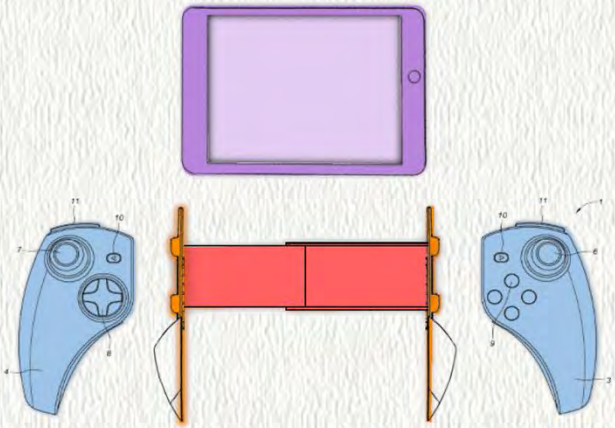
Ex. 1002, ¶¶ 146, 154

Paper 1, 21, 23; Paper 21, 6-7

No Difference in "Treatment" for Schoenith + Park

Schoenith taught a cradle that supports the smart device on at least two sides. That cradle could have any size, shape, or configuration, and could have structures such as a depression portion and/or "raised walls" on any side to secure the smart device on those sides. Ex. 1003 at 6:15-50; 6:58-63 (support may be provided on one, two, or three sides, leaving the remaining sides free of support), 9:65-67 (identifying raised wall 24). Thus, Schoenith taught a *pair of confinement structures adjacent to and confining the computing device on at least two opposing sides* of the computing device. *Id.* at Figs. 3, 8-12, 17-20 (showing confinement structures in form of cradle sides). The cradle's sides and raised walls, on two sides, satisfy the requirement of being "adjacent to and confining the computing device on at least two opposing sides of the plurality of sides of the computing device." Kitchen ¶¶113-115.

Ex. 1043, 29-30



In such an arrangement, Schoenith's "raised walls" are *adjacent* to two opposing sides of the smart device (*computing device*) but not more than three sides of the device. Ex. 1005, Fig. 3, 6:15-50, 9:65-67. When a user adjusts Park's

Paper 1, 43

Paper 21, 7

Gamevice Had the Burden of Proof … and Failed



OHIO WILLOW WOOD CO. v. ALPS SOUTH, LLC 1333
Cite as 735 F.3d 1333 (Fed. Cir. 2013)

age and PTSD, was "biased towards uncritical acceptance of [Gissendaner's] self-reports of traumatic childhood experiences" and failed to acknowledge conflicting reports from family members, most notably Shane Brookshire's contentions that his sister had not been subjected to either physical or sexual abuse.

[17] Dr. Young's and Dr. Bernet's conclusions were also unpersuasive for other reasons. Dr. Young's findings, including her diagnosis of brain damage, were based on Gissendaner's responses to the Rorschach inkblot test, which Dr. Young admitted had been highly criticized in the psychiatric community, and the patently absurd results of the Rey Complex Figure test, which placed Gissendaner—a woman who had successfully completed high school, served in the military, cared for three children, and been consistently employed since the age of 16—"in the less than 1st percentile" of all people in her ability to organize complex information. Dr. Young did not attempt to confirm her finding of brain damage through the use of any objective diagnostic tests, such as an MRI or CAT scan, and she employed no specific tests to assess whether Gissendaner was malingering during her evaluation. Her insistence that not one of the two dozen capital defendants she had evaluated over the years had ever attempted to feign mental illness, even though doing so might save them from execution, is incredible enough to render her testimony non-credible.

[18] Dr. Bernet's diagnosis of PTSD, as well as his conclusion that Gissendaner lacked the capacity to premeditate and carry out the murder of her husband, were undermined by his failure to administer any malingering tests, seriously consider evidence showing that Gissendaner had planned the murder, and confer with Gissendaner's previous psychiatrists, one of whom (Dr. Garlick) had held regular psychotherapy sessions with Gissendaner and specifically ruled out a diagnosis of PTSD.

Because the state habeas court's finding that trial counsel conducted a constitutionally adequate mitigation investigation did not involve an unreasonable application of *Strickland* or depend on an unreasonable finding of fact, the district court correctly rejected Gissendaner's penalty phase claim of ineffective assistance of counsel.[6]

V. CONCLUSION

For these reasons, we affirm the district court's denial of Gissendaner's § 2254 petition for a writ of habeas corpus.

AFFIRMED.

The OHIO WILLOW WOOD COMPANY, Plaintiff–Appellant,

v.

ALPS SOUTH, LLC, Defendant–Cross Appellant.

Nos. 2012–1642, 2013–1024.

United States Court of Appeals, Federal Circuit.

Nov. 15, 2013.

Rehearing and Rehearing En Banc Denied Jan. 23, 2014.*

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* Circuit Judge Bryson participated only in the decision on the petition for panel rehearing.

claims of the '182 patent. Since OWW failed to explain how the "block copolymer" limitation changes the invalidity analysis, OWW has not met its burden of opposing summary judgment based on this distinction. Thus, summary judgment that claims 1, 2, 4, 15, 16, and 20 of the '237 patent are invalid on the basis of collateral estoppel was appropriate.

Ohio Willow Wood Co. v. Alps South, LLC, 735 F.3d 1333, 1343 (Fed. Cir. 2013)

Paper 21, 2-5

Differences Not Material to Patentability

'119 Patent	'393 Patent
a pair of confinement structures, the pair of confinement structures adjacent to and confining the computing device on at least two opposing sides of the plurality of sides of the computing device	a pair of confinement structures, the pair of confinement structures interacting with the computing device and adjacent at least two opposing sides of the computing device, but not more than three sides of the sides of the computing device

Differences:

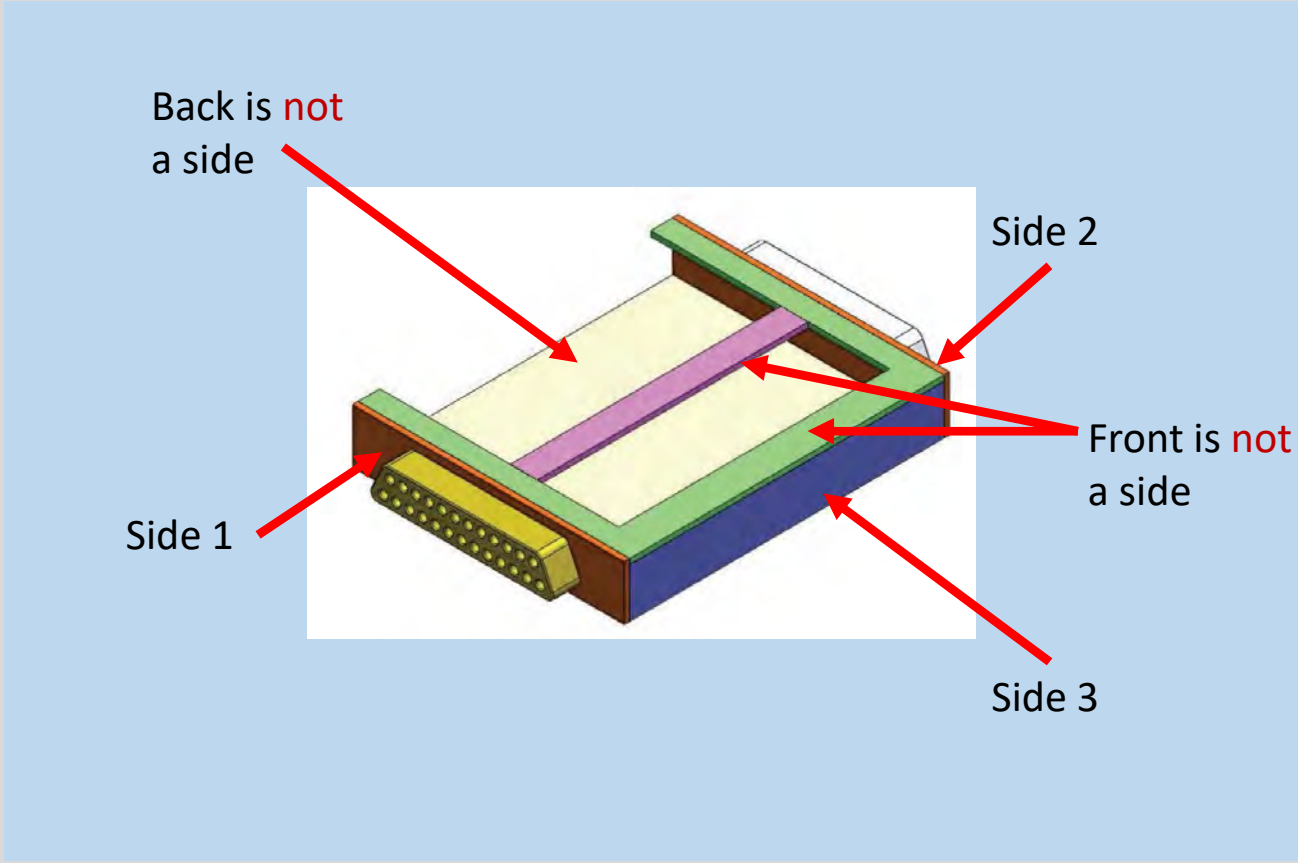
"confining" vs "interacting"

"but not more than three sides of the sides of the computing device"

Paper 1, 22-23

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Willner Adaptor Adjacent Not More Than Three Sides



Paper 1, 23 & n.9

Ex. 2004, ¶ 48

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Front and Back Don't Count as Sides

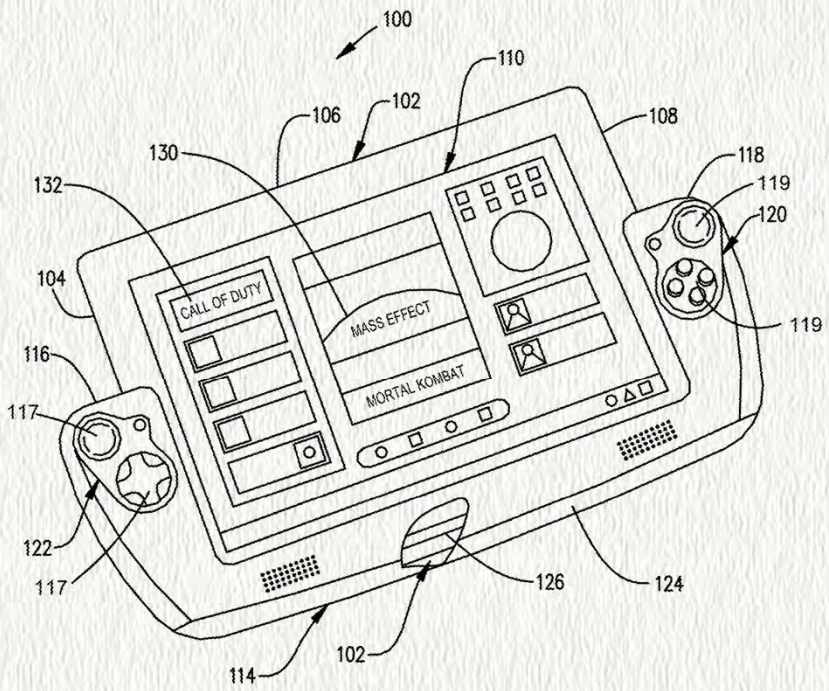


FIG. 1

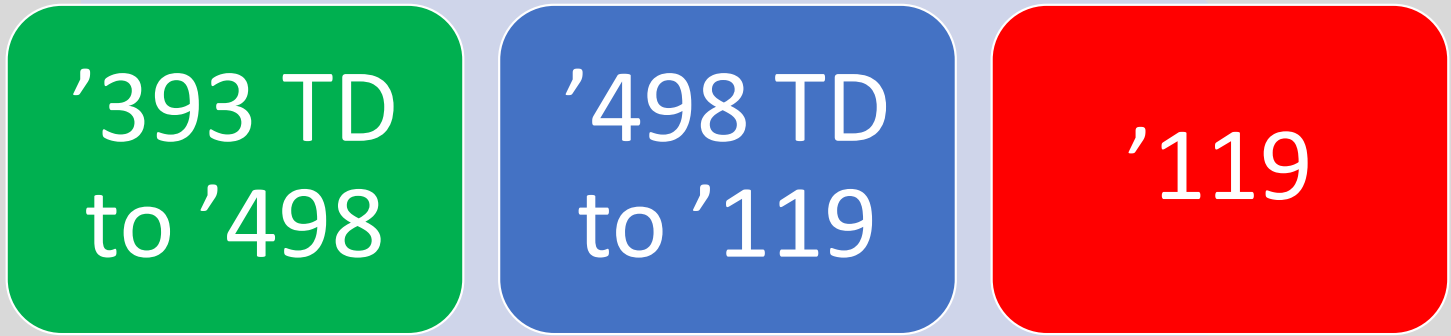
Ex. 1001, Fig. 1

Turning to the drawings, FIG. **1** provides an exemplary game controller and information entry device ("G&D") **100** capable of being used in accordance with various embodiments of the present invention. The exemplary G&D **100** has at least a computing device **102** (also referred to herein as a computing device **102**), which provides a plurality of sides, such as **104**, **106**, **108**, and **126**. Each of the plurality of sides **104**, **106**, and **108** are disposed between an electronic display screen **110**, of the computing device **102**, and a back **112** (shown by FIG. **2**) of the computing device **102** operates. The G&D **100** further preferably includes an input device **114**. The computing device **102** may take the form of a tablet computer, smart phone, notebook computer, or other portable computing device,

Ex. 1001, 4:32-45

Paper 1, 23 n.9

’393 Patent Not Patentably Distinct from Unpatentable ’119 Patent



Paper 1, 12, 82 (citing Ex. 1009, 20-30, 44-46, 58-59)

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

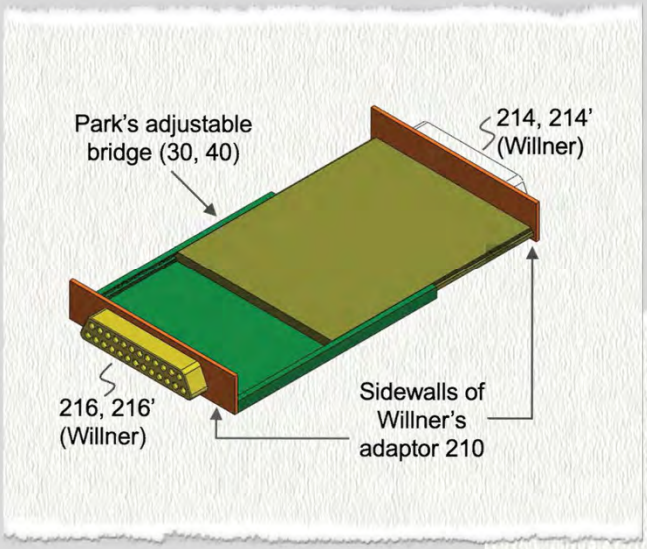
Gamevice Is Wrong That Willner + Park Won't Hold

- Bodily incorporation: Gamevice ignores background understanding of a POSITA
- Meta-construction of "hold": "hold" requires holding under most extreme circumstances
- No probative evidence

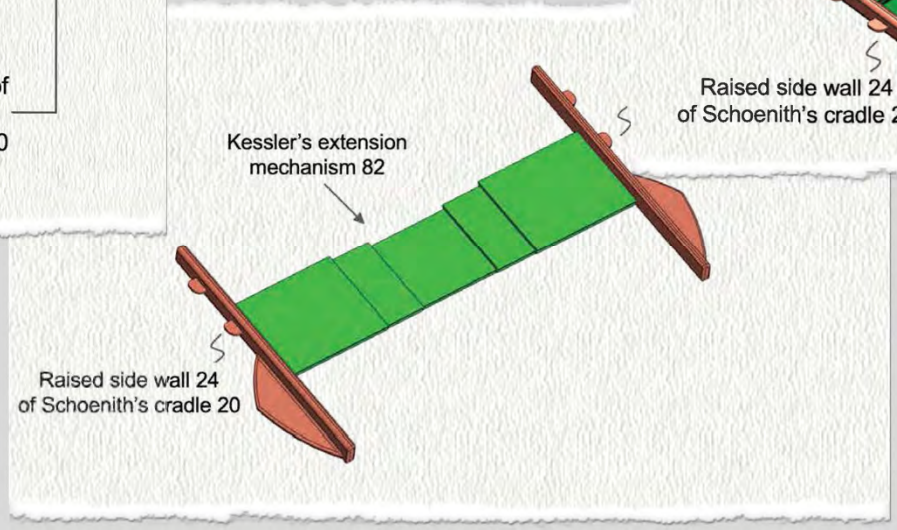
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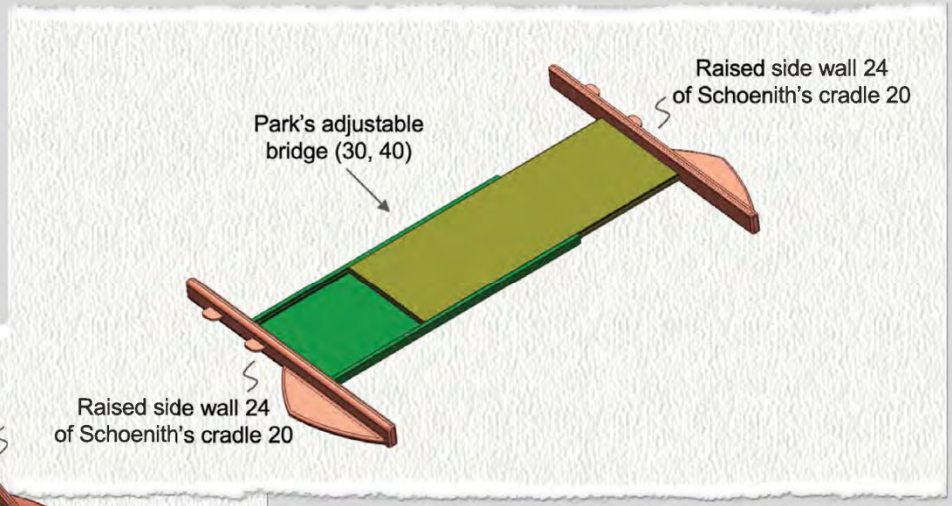
Gamevice's Bodily Incorporation Argument



Ex. 2004, ¶ 63



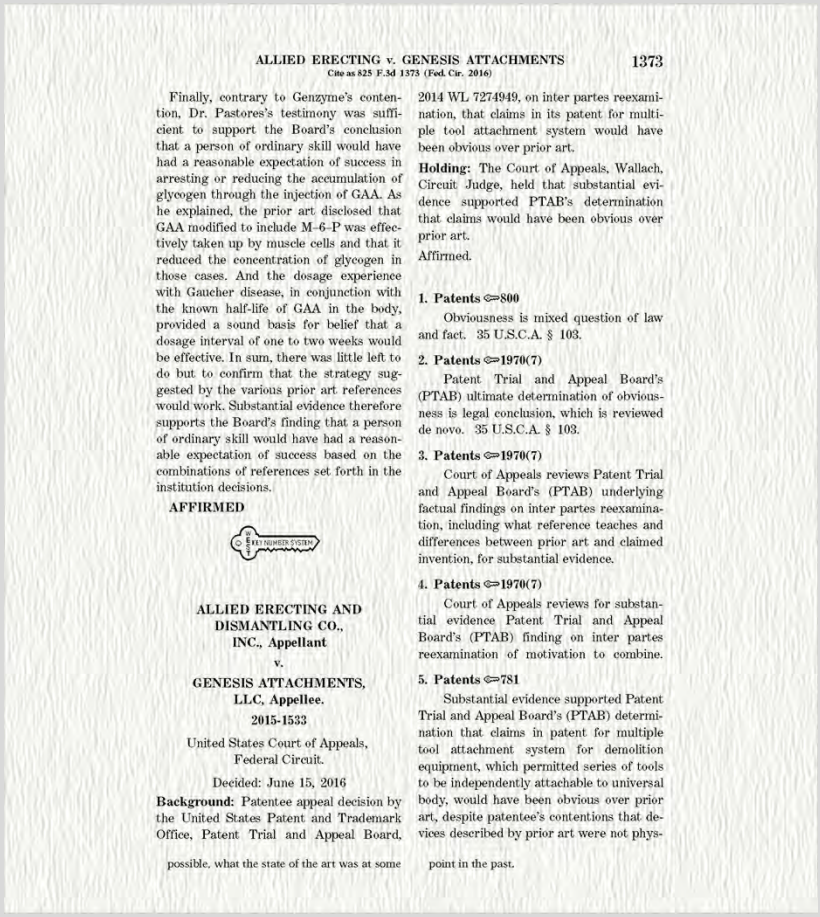
Ex. 2004, ¶ 93



Ex. 2004, ¶ 123

Paper 21, 11-12

Bodily Incorporation Not the Test



ALLIED ERECTING v. GENESIS ATTACHMENTS 1373
Cite as 825 F.3d 1373 (Fed. Cir. 2016)

Finally, contrary to Genzyme's contention, Dr. Pastores's testimony was sufficient to support the Board's conclusion that a person of ordinary skill would have had a reasonable expectation of success in arresting or reducing the accumulation of glycogen through the injection of GAA. As he explained, the prior art disclosed that GAA modified to include M–6–P was effectively taken up by muscle cells and that it reduced the concentration of glycogen in those cases. And the dosage experience with Gaucher disease, in conjunction with the known half-life of GAA in the body, provided a sound basis for belief that a dosage interval of one to two weeks would be effective. In sum, there was little left to do but to confirm that the strategy suggested by the various prior art references would work. Substantial evidence therefore supports the Board's finding that a person of ordinary skill would have had a reasonable expectation of success based on the combinations of references set forth in the institution decisions.

AFFIRMED

KEY NUMBER SYSTEM

ALLIED ERECTING AND DISMANTLING CO., INC., Appellant
v.
GENESIS ATTACHMENTS, LLC, Appellee.
2015-1533

United States Court of Appeals, Federal Circuit.

Decided: June 15, 2016

Background: Patentee appeal decision by the United States Patent and Trademark Office, Patent Trial and Appeal Board, 2014 WL 7274949, on inter partes reexamination, that claims in its patent for multiple tool attachment system would have been obvious over prior art.

Holding: The Court of Appeals, Wallach, Circuit Judge, held that substantial evidence supported PTAB's determination that claims would have been obvious over prior art.

Affirmed.

1. Patents ⇐800
Obviousness is mixed question of law and fact. 35 U.S.C.A. § 103.

2. Patents ⇐1970(7)
Patent Trial and Appeal Board's (PTAB) ultimate determination of obviousness is legal conclusion, which is reviewed de novo. 35 U.S.C.A. § 103.

3. Patents ⇐1970(7)
Court of Appeals reviews Patent Trial and Appeal Board's (PTAB) underlying factual findings on inter partes reexamination, including what reference teaches and differences between prior art and claimed invention, for substantial evidence.

4. Patents ⇐1970(7)
Court of Appeals reviews for substantial evidence Patent Trial and Appeal Board's (PTAB) finding on inter partes reexamination of motivation to combine.

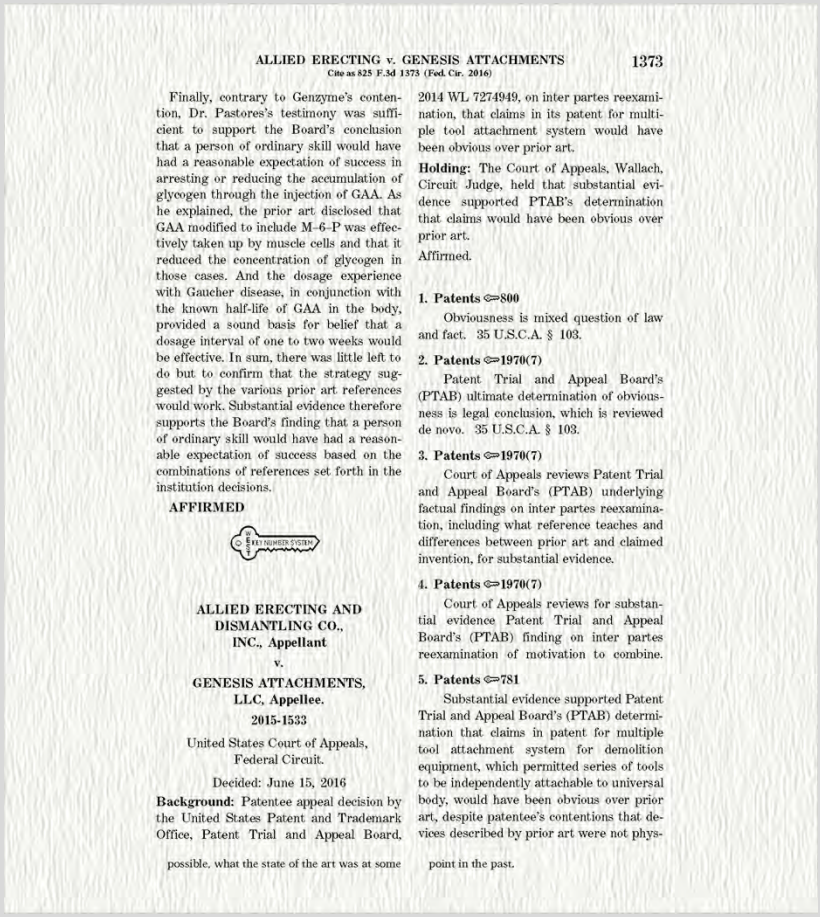
5. Patents ⇐781
Substantial evidence supported Patent Trial and Appeal Board's (PTAB) determination that claims in patent for multiple tool attachment system for demolition equipment, which permitted series of tools to be independently attachable to universal body, would have been obvious over prior art, despite patentee's contentions that devices described by prior art were not physpossible, what the state of the art was at some point in the past.

"The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference," *In re Keller*, 642 F.2d 413, 425 (CCPA 1981). *See also In re Mouttet*, 686 F.3d 1322, 1332 (Fed. Cir. 2012) (citing *In re Keller*, 642 F.2d at 425), but rather whether "a skilled artisan would have been motivated to combine the teachings of the prior art references to achieve the claimed invention," *Pfizer, Inc. v. Apotex, Inc.*, 480 F.3d 1348, 1361 (Fed. Cir. 2007).

Allied Erecting & Dismantling Co., Inc. v. Genesis Attachments, LLC, 825 F.3d 1373, 1381 (Fed. Cir. 2016)

Paper 21, 12

Bodily Incorporation Not the Test



ALLIED ERECTING v. GENESIS ATTACHMENTS 1373
Cite as 825 F.3d 1373 (Fed. Cir. 2016)

Finally, contrary to Genzyme's contention, Dr. Pastores's testimony was sufficient to support the Board's conclusion that a person of ordinary skill would have had a reasonable expectation of success in arresting or reducing the accumulation of glycogen through the injection of GAA. As he explained, the prior art disclosed that GAA modified to include M–6–P was effectively taken up by muscle cells and that it reduced the concentration of glycogen in those cases. And the dosage experience with Gaucher disease, in conjunction with the known half-life of GAA in the body, provided a sound basis for belief that a dosage interval of one to two weeks would be effective. In sum, there was little left to do but to confirm that the strategy suggested by the various prior art references would work. Substantial evidence therefore supports the Board's finding that a person of ordinary skill would have had a reasonable expectation of success based on the combinations of references set forth in the institution decisions.

AFFIRMED

KEY NUMBER SYSTEM

ALLIED ERECTING AND DISMANTLING CO., INC., Appellant
v.
GENESIS ATTACHMENTS, LLC, Appellee.
2015-1533

United States Court of Appeals, Federal Circuit.

Decided: June 15, 2016

Background: Patentee appeal decision by the United States Patent and Trademark Office, Patent Trial and Appeal Board, 2014 WL 7274949, on inter partes reexamination, that claims in its patent for multiple tool attachment system would have been obvious over prior art.

Holding: The Court of Appeals, Wallach, Circuit Judge, held that substantial evidence supported PTAB's determination that claims would have been obvious over prior art.

Affirmed.

1. Patents ⇐800
Obviousness is mixed question of law and fact. 35 U.S.C.A. § 103.

2. Patents ⇐1970(7)
Patent Trial and Appeal Board's (PTAB) ultimate determination of obviousness is legal conclusion, which is reviewed de novo. 35 U.S.C.A. § 103.

3. Patents ⇐1970(7)
Court of Appeals reviews Patent Trial and Appeal Board's (PTAB) underlying factual findings on inter partes reexamination, including what reference teaches and differences between prior art and claimed invention, for substantial evidence.

4. Patents ⇐1970(7)
Court of Appeals reviews for substantial evidence Patent Trial and Appeal Board's (PTAB) finding on inter partes reexamination of motivation to combine.

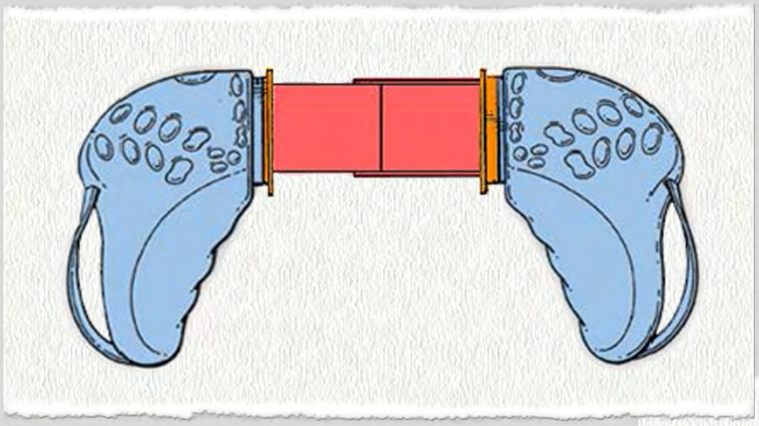
5. Patents ⇐781
Substantial evidence supported Patent Trial and Appeal Board's (PTAB) determination that claims in patent for multiple tool attachment system for demolition equipment, which permitted series of tools to be independently attachable to universal body, would have been obvious over prior art, despite patentee's contentions that devices described by prior art were not physpossible, what the state of the art was at some point in the past.

[6, 7] Contrary to Allied's position, "it is not necessary that [Caterpillar and Ogawa] be physically combinable to render obvious the ['489 patent]." *In re Sneed*, 710 F.2d 1544, 1550 (Fed. Cir. 1983); *see also In re Etter*, 756 F.2d 852, 859 (Fed. Cir. 1985) (en banc) ("Etter's assertions that Azure cannot be incorporated in Ambrosio are basically irrelevant, the criterion being not whether the references could be physically combined but whether the claimed inventions are rendered obvious by the teachings of the prior art as a whole.").

Paper 21, 12

Allied Erecting & Dismantling Co., Inc. v. Genesis Attachments, LLC, 825 F.3d 1373, 1381 (Fed. Cir. 2016)

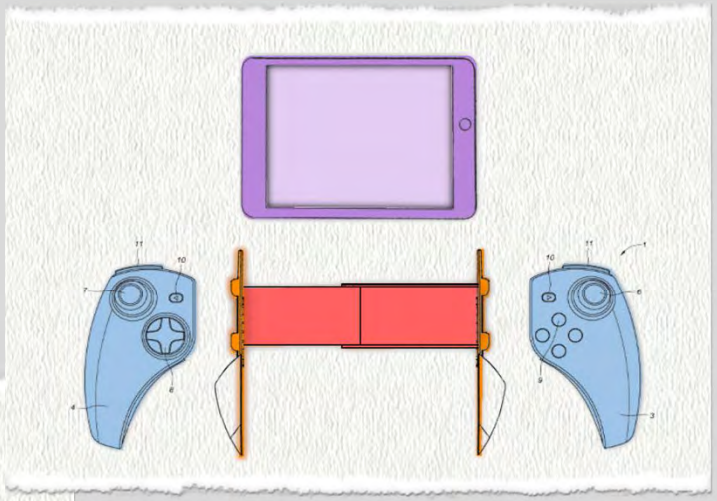
Petition Examples Were Illustrative

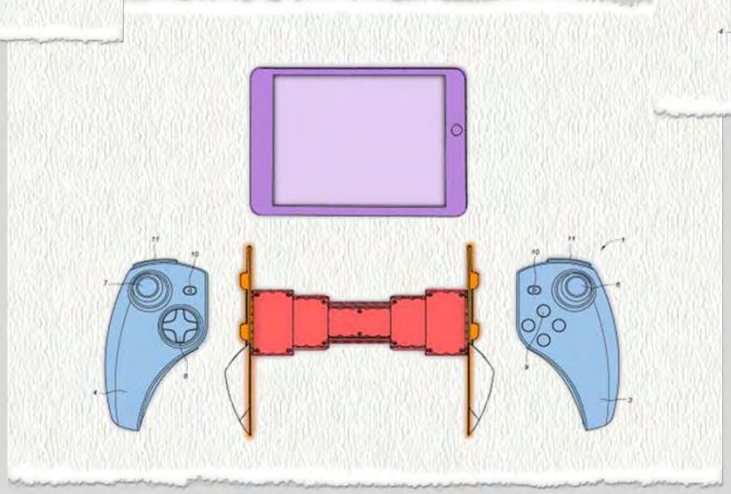


"annotated example"

"possible modification"

"potential combination"

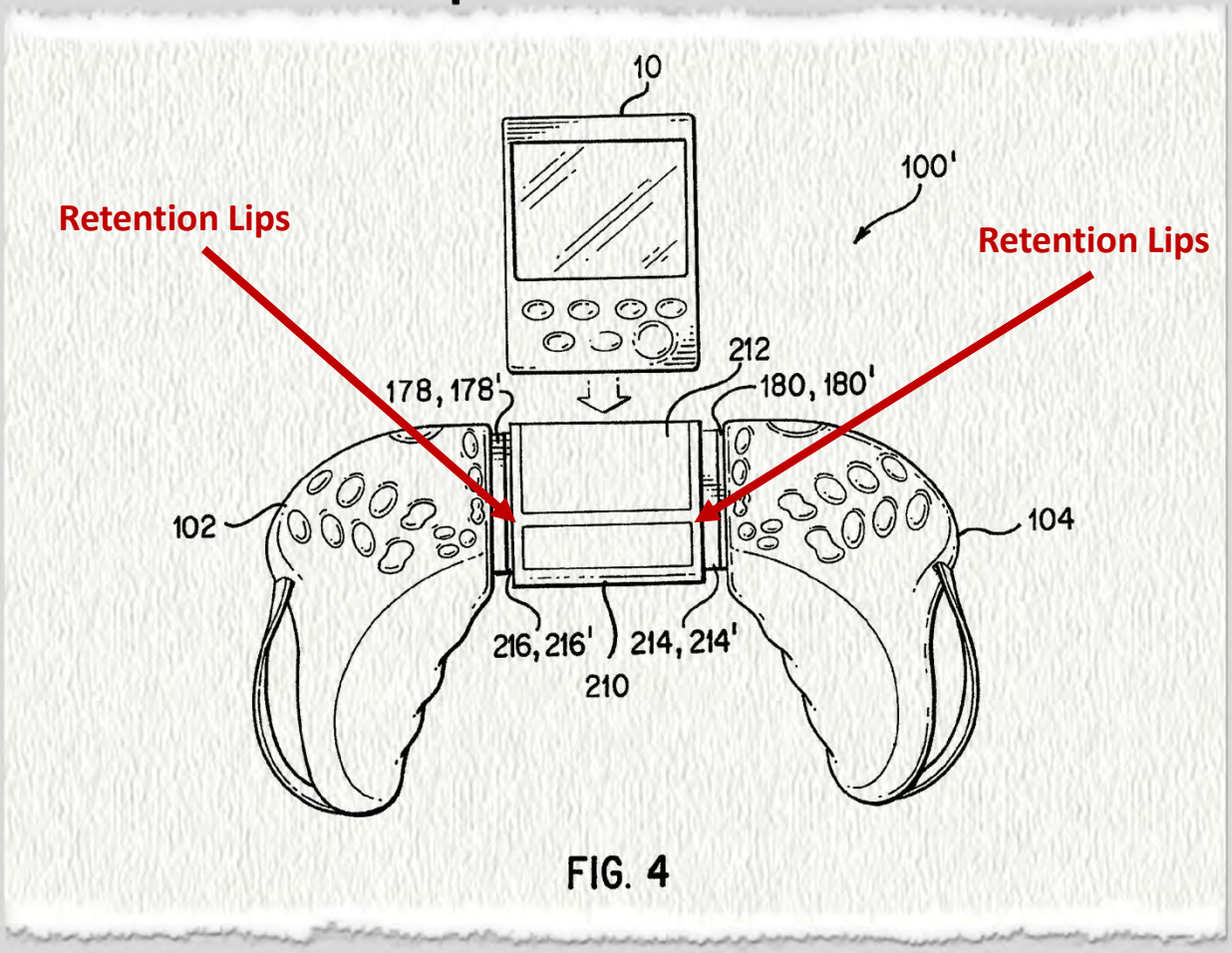




Paper 1, 21, 42-43, 55; Paper 21, 12-13, 15-16; Ex. 1002, ¶¶ 154, 240, 326

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Retention "Lips" Were Well Known

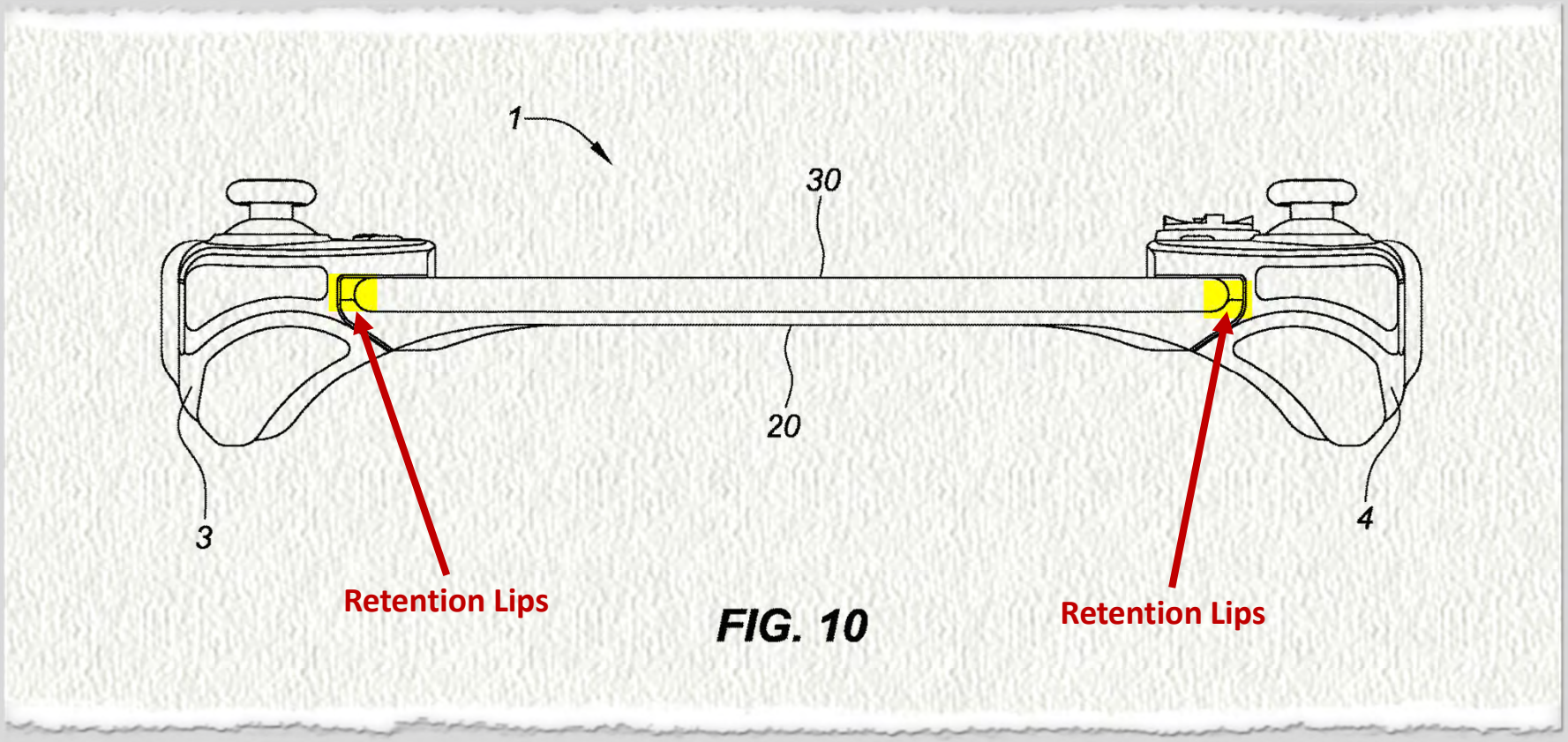


Ex. 1003, Fig. 4

Paper 21, 17-18

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Retention "Lips" Were Well Known



Ex. 1005, Fig. 10

Retention "Lips" Were Well Known

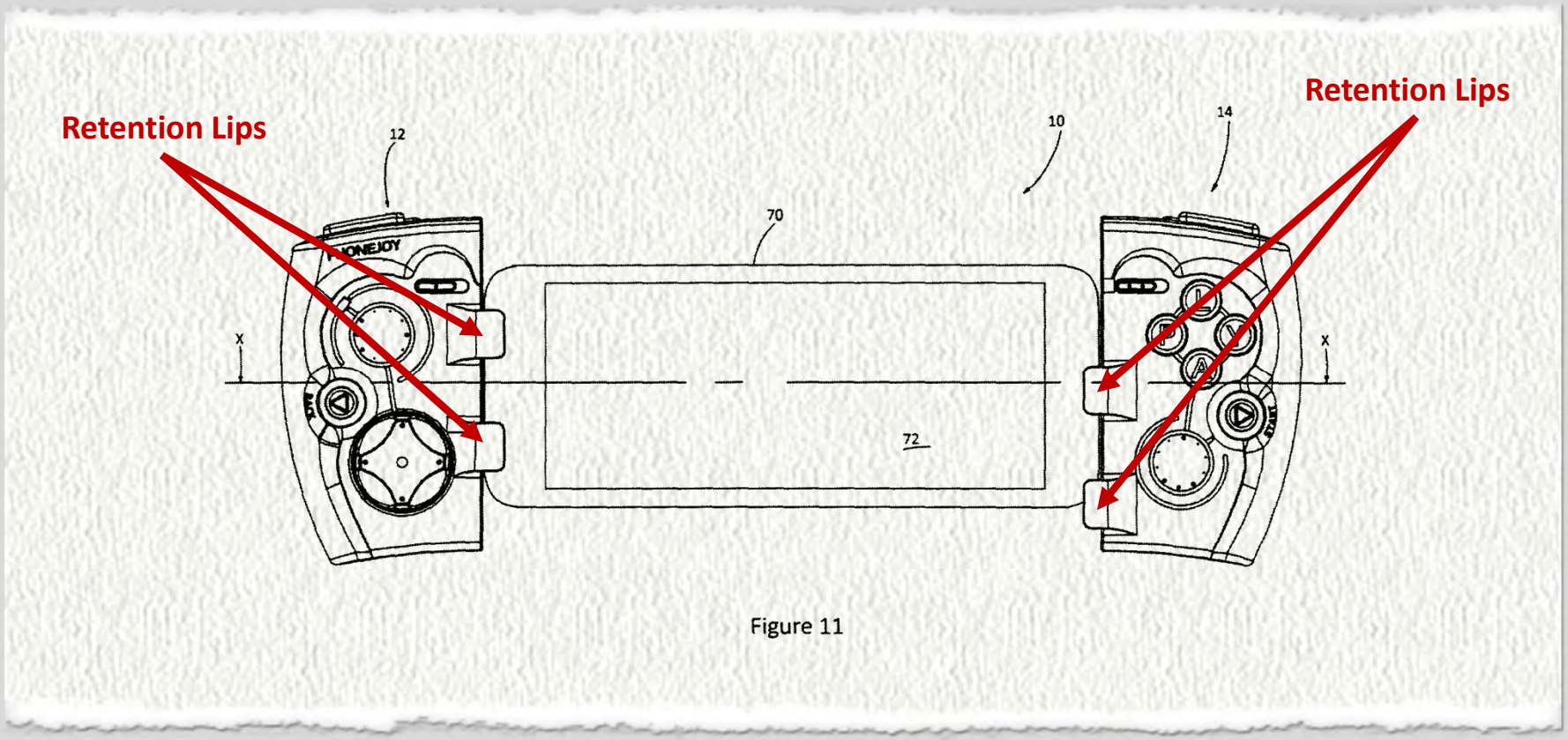
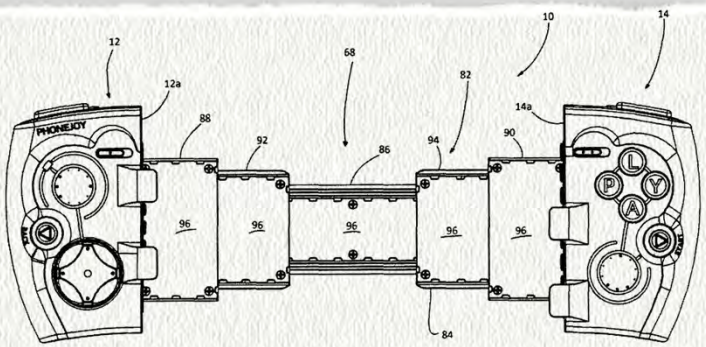


Figure 11

Ex. 1006, Fig. 11

Prior Art Replete with Known Ways to Avoid Pop-Out



Ex. 1006, Fig. 10

This provides the advantage that the controller or handheld apparatus of the present invention can be used with a range of different sized handheld information processing devices such as smart phones. For handheld information processing devices such as some tablet computers which are generally larger than smart phones or the like, it will be understood that the apparatus of the present invention can be scaled up to accommodate a range of sizes of such tablet computers.

Paper 21, 19

Ex. 1006, ¶ 18

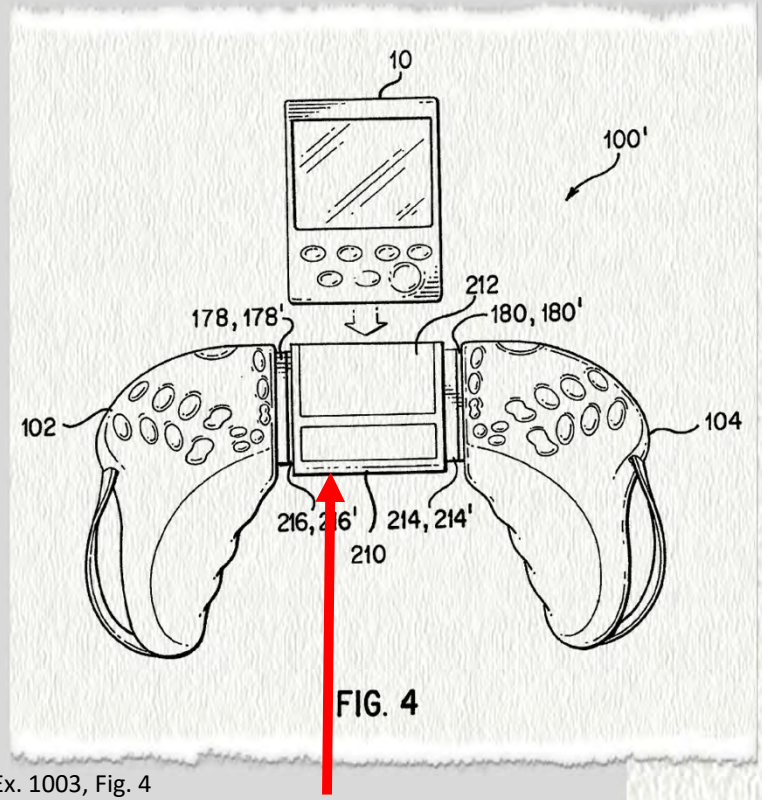
Gamevice Is Wrong That Willner + Park Won't Hold

- Bodily incorporation: Gamevice ignores background understanding of a POSITA
- Meta-construction of "hold": "hold" requires holding under most extreme circumstances

Paper 21, 8-10, 13-15

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Gamevice's Extreme Understanding of "Hold"



Ex. 1003, Fig. 4

Dr. Slocum: This Won't "Hold"

50. Moreover, Willner's adaptor 210 does not provide any compressive load on computing device 10; it merely "**receive[s]**" computing device 10 through opening 212 from the top side. *Id.*, ¶ [0050] (emphasis added); *see id.*, ¶ [0052] (discussing a switch 218 can provide an enabling signal responsive to "**receipt** of the computing device 10 within the opening 212 of adaptor 210") (emphasis added); '393 Patent, 10:11-19 ("the application of sufficient compressive load being placed on the computing device 302 to securely hold the computing device between the pair of confinement structures 316"). In my opinion, even with the structural elements of the adaptor 210 discussed above, computing device 10 can come loose from adaptor 210 during normal user operation.

Ex. 2004, ¶ 50

Paper 21, 8-10, 13-15

Gamevice Is Wrong That Willner + Park Won't Hold

- Bodily incorporation: Gamevice ignores background understanding of a POSITA
- Meta-construction of "hold": "hold" requires holding under most extreme circumstances
- No probative evidence

Dr. Slocum's Anecdotal Observations
vs Mr. Kitchen's Decades of Real-World Experience

17 Q Okay. Can you recall, for example, what
18 games they were playing?
19 A No, I don't recall the games. It was --
20 typically, the action shoot-em-up games is the most
21 common that the kids would play. A few of them now
22 and then would play Tetris.

1 Q Do you recall what controllers they were
2 using?
3 A I do not.
4 Q Do you recall whether the controllers were
5 connected to, for example, a game console that had
6 the game on the TV?
7 A There was all types. When they first
8 started, things were wired. Then things went
9 remote, and sometimes they would play on the TV.
10 Sometimes they would sit and they would have the
11 whole game with them just -- you know, because you'd
12 have different kids and they'd have a game in their
13 hands.

14 Q Okay. Do you recall whether there were any
15 kids playing games sort of like with the structure
16 of, for example, the Park device, where there was a
17 phone inside of a controller?
18 Did you see any of those?
19 A I do not think at the time there was that
20 type of device.

13 Q Okay. But do you recall whether there was
14 any circumstances where the kids were interacting
15 directly with the screen, touching the screen?
16 A That I don't recall.

Ex. 1041, 74:1-76:16

Can't say what games he saw

Can't say what controllers he saw

Can say the controllers were the wrong kind

for a lack of relevant education." Prof. Slocum's Declaration (Ex. 2004) at ¶ 18. I have over 40 years of experience in the design and development of interactive products, including specifically with respect to handheld gaming devices. Original Declaration (Ex. 1002) at ¶¶ 24–30. This is the same category of products claimed in the '393 patent and described in the prior art references at issue in this proceeding. This experience qualifies me as a POSITA, even under Prof. Slocum's definition. By contrast, Prof. Slocum has no previous experience designing or developing handheld gaming products like the ones at issue in this proceeding. Prof. Slocum's Declaration (Ex. 2004) at ¶¶ 5–13; Deposition Transcript of Prof. Slocum (Ex. 1041) at 59:13–60:1. In fact, Prof. Slocum appears to have no formal education, training, or industry experience in the broader field of video games and/or interactive entertainment. Instead, he relies on occasions from 2004–2019 in which he observed students playing video games, although he "do[es] not recall exactly what games or

Ex. 1033, ¶ 7

Paper 21, 12, 14

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Willner + Park Would Have Held a Computing Device

twisted, or held over the player's head. This is simply because, with the handheld gaming devices in question, the game controllers are attached to the sides of the display, and moving the controllers in handheld gaming devices also physically moves the screen. When playing, users are intently focused on the game screen; moving the controller around or "wrestling" with it, as Prof. Slocum suggests, would have seriously detracted from the player's performance.

Ex. 1033, ¶ 34

36. Taking these issues into account and based on my experience in the interactive gaming industry, in my opinion during "normal" usage of a handheld gaming device, such as the ones at issue in this proceeding, a user would have held the unit with both hands, one on each side, with thumbs at the ready to operate the controller inputs, as shown below.[1]



Ex. 1033, ¶ 36

Paper 21, 10, 14-15

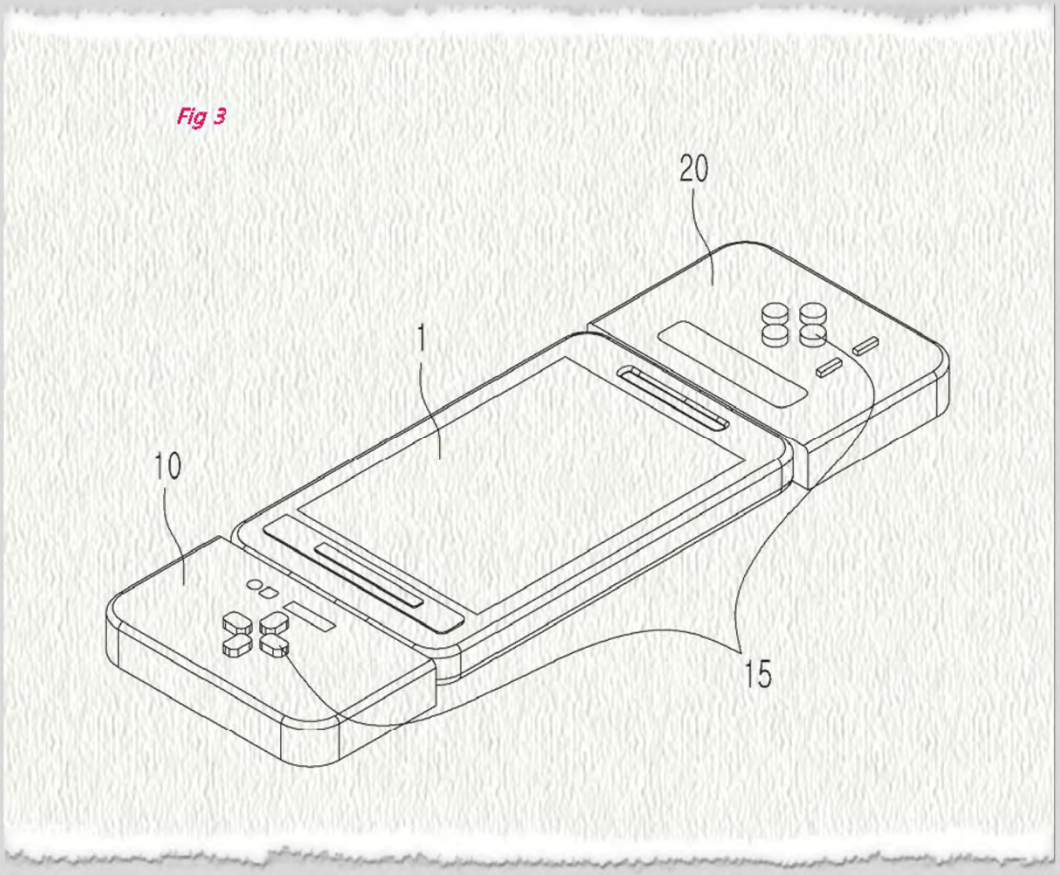
Willner + Park Would Have Held a Computing Device

45. In my opinion, the "normal" operation of a combined handheld gaming devices based on Willner and Park, Schoenith and Park, and Schoenith and Kessler would not have caused the issues with a computing device "coming out" of the handheld gaming device, as Prof. Slocum suggests. As described above in ¶¶ 30–39, Prof. Slocum's understanding of "normal" operation of the combined handheld gaming devices is incorrect. A skilled person would have understood that when using one of the combined handheld gaming devices under ordinary use conditions, the handheld gaming device would have retained the computing device during gameplay.

Ex. 1033, ¶ 45

Paper 21, 10, 14-15

Park Was Designed to Hold a Phone



Ex. 1004, Fig. 3

Park Was Designed to Hold a Phone

Whereas the above configuration sufficiently allows for a mobile phone (1) to be mounted on the device according to the present invention and used, as the mobile phone is not sufficiently in contact with the device according to the present invention when using the above configuration, the mobile phone (1) may come loose during gaming or become detached in severe cases, hindering comfortable and stable operation of a game. Further, if a user reduces the length of the bridge (30, 40) to be less than the length of the mobile phone (1) in order to address this problem, the first and second bodies come to apply pressure on the mobile phone (1), potentially causing damage to the mobile phone (1).

Ex. 1004, ¶ 41

Park Has Multiple Embodiments—Park Thought He Invented Something

Claim 1
A game pad device for a mobile phone, comprising:
a first body equipped with key buttons on one side;
a second body that is distanced from the first body, having key buttons on one side and equipped with a connecting terminal for connection with a mobile phone on the side facing the first body, and;
a bridge that connects the first body and the second body and whose length is adjustable,
and which is characterized in that:
the first body and the second body are electrically connected by a connecting cable, and;
in that a mobile phone is seated on the upper face of the bridge, with the first body and the second body respectively in contact with either side of the mobile phone.

Ex. 1004, claim 1

Game Pad

Claim 3
The game pad device for a mobile phone according to Claim 1, characterized in that the face of the first body that contacts the mobile phone further comprises a cushioning pad made of any one of silicone and urethane.

Ex. 1004, claim 3

Game Pad Plus

Claim 4
The game pad device for a mobile phone according to Claim 1, characterized in that the first body is equipped additionally with:
an air tube which is mounted inflatably on the face of the first body contacting the mobile phone, equipped with an air intake port on one side;
a contact sensor which is mounted on the surface of the air tube and which generates a contact recognition signal when a mobile phone comes into contact;
a fan that causes outside air to flow into the first body;
an air offtake pipe that is connected to the fan and extends into the first body, then branches off toward the inside of the first body and the air intake of the air tube;
a check valve that is installed at the branching point of the air offtake pipe and selectively opens or closes the respective offtake pipe branches, and;
a controller comprising a contact recognition signal receiving unit that receives a contact recognition signal from the contact sensor;
a fan driving unit that receives commands from the contact recognition signal receiving unit and controls operation of the fan, and;
a check valve control unit that controls the opening and closing of the check valve when the fan driving unit is running.

Ex. 1004, claim 4

Game Pad Plus

Kessler Was Designed to Hold a Phone

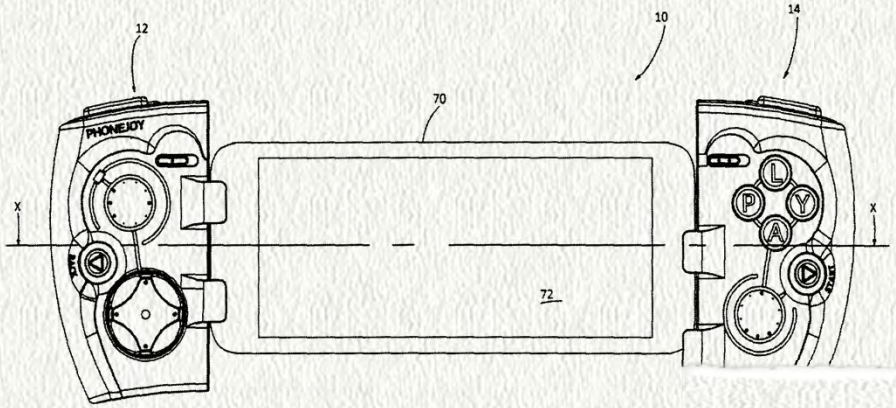


Figure 11

Ex. 1006, Fig. 11

In a preferred embodiment, the extension mechanism 82 is biased so as to resist movement of the handle housings 12, 14 away from each other and is of a sufficient strength so as to provide a sufficient gripping force for holding a handheld information processing device 70 between respective opposing end faces 12a, 14a of the handle housings 12, 14.

Ex. 1006, ¶ 101

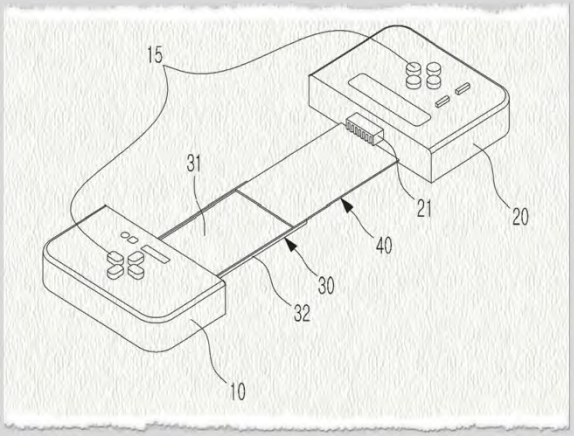
Grounds 2 & 3: Gamevice's Arguments Fail for the Same Reasons

- Bodily incorporation and ignoring known prior art solutions
- Incorrect meta-construction of "hold"
- No probative evidence that computing devices would "pop out"

Motivation to Combine

- Collateral estoppel precludes re-argument
- No evidence that a computing device would “pop out”
- Prior art replete with strategies to avoid “pop out”—Reasonable expectation of success

Park Disclosed Mechanisms to Increase Stability



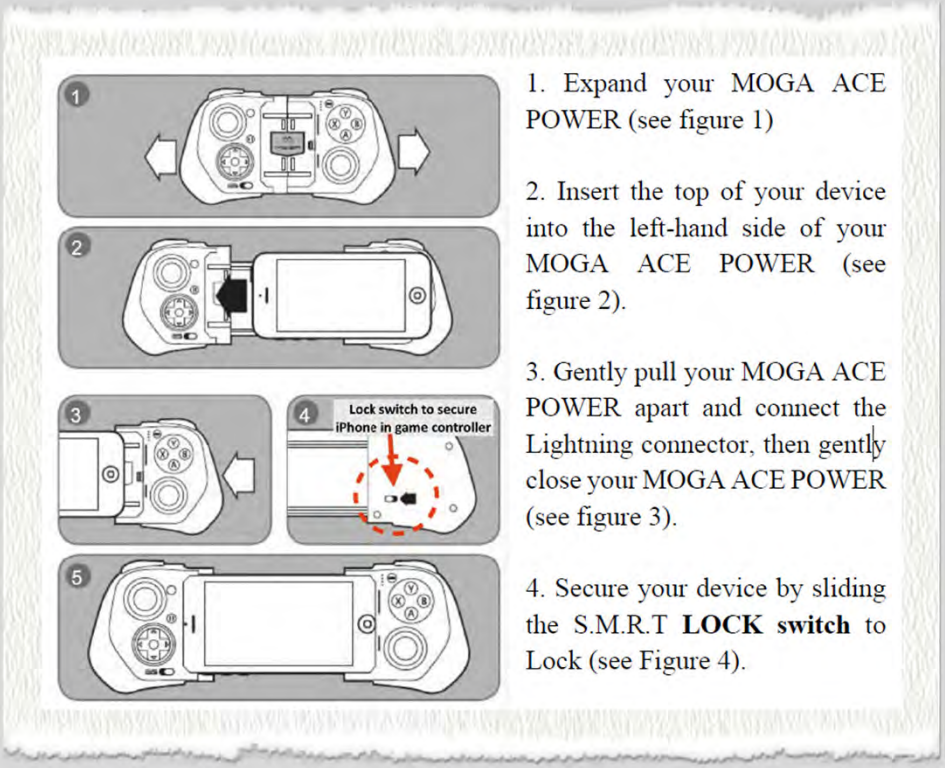
Ex. 1004, Fig. 1

Accordingly, there is a need for an art that allows a mobile phone (1) to be seated for stability in the device according to the present invention and also reduces the pressure applied on the mobile phone (1).

To this end, the game pad device for a mobile phone according to the present invention may additionally comprise a cushioning pad (60) or connecting assembly, which will be described in the following with reference to Fig. 4 and Fig. 5.

Ex. 1004, ¶¶ 42-43

A Lock Switch Was Another Known Way to Stabilize a Computing Device



1. Expand your MOGA ACE POWER (see figure 1)

2. Insert the top of your device into the left-hand side of your MOGA ACE POWER (see figure 2).

3. Gently pull your MOGA ACE POWER apart and connect the Lightning connector, then gently close your MOGA ACE POWER (see figure 3).

4. Secure your device by sliding the S.M.R.T **LOCK switch** to Lock (see Figure 4).

Ex. 1033, ¶ 93

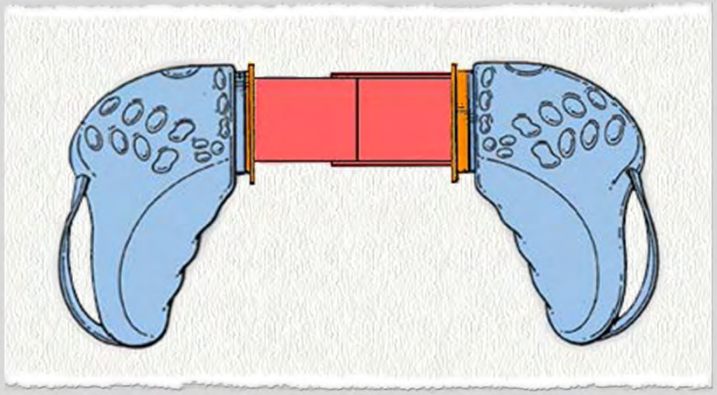


Ex. 1033, ¶ 94

Paper 21, 19

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

A POSITA Would Have Had a Reasonable Expectation of Success



3 Q Okay. And they would have a reasonable
4 expectation of succeeding in making that
5 combination, right?
6 **A Well, eventually, they'd make it work,**
7 **yeah.**

Ex. 1041, 224:3-7

Paper 21, 21

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Motivation to Combine

- Collateral estoppel precludes re-argument
- No evidence that a computing device would “pop out”
- Prior art replete with strategies to avoid “pop out”—Reasonable expectation of success
- Skilled artisans knew how to use screws and snap fits

A POSITA Would Have Known How to Connect Controller Components

portable electronics. For example, in the iPhone 4, released in 2010, screws were used to attach the rear case to the front of the phone.[23] The screws were 0.8 mm long,[24] and were capable of fixedly attaching components within a device, in a manner that uses only a small footprint. Even smaller screws were known and

Ex. 1002, ¶ 209



7 A Well, a lap joint is -- can use screws,
8 glue, whatever. What a lap joint means is you have
9 two planar surfaces that overlap. That's where the
10 term "lap" comes from, overlap.

16 A You could have a snap-fit. You'd go
17 through your whole matrix and see what's most
18 appropriate.

Ex. 1041, 200:7-10, 200:16-18

side panel and the left side panel. The connection can be any connection commonly utilized in controllers, preferably a connection which allows for easy and frequent assembly and disassembly of the controller, such as a magnetic connection, a snap-fit connection, mechanical keys, a combination thereof, or the like. The snap-fit connection can be any

Ex. 1005, 7:18-23

Paper 21, 20-22

Motivation to Combine

- Collateral estoppel precludes re-argument
- No evidence that a computing device would “pop out”
- Prior art replete with strategies to avoid “pop out”—Reasonable expectation of success
- Skilled artisans knew how to use screws and snap fits
- Significant advantages

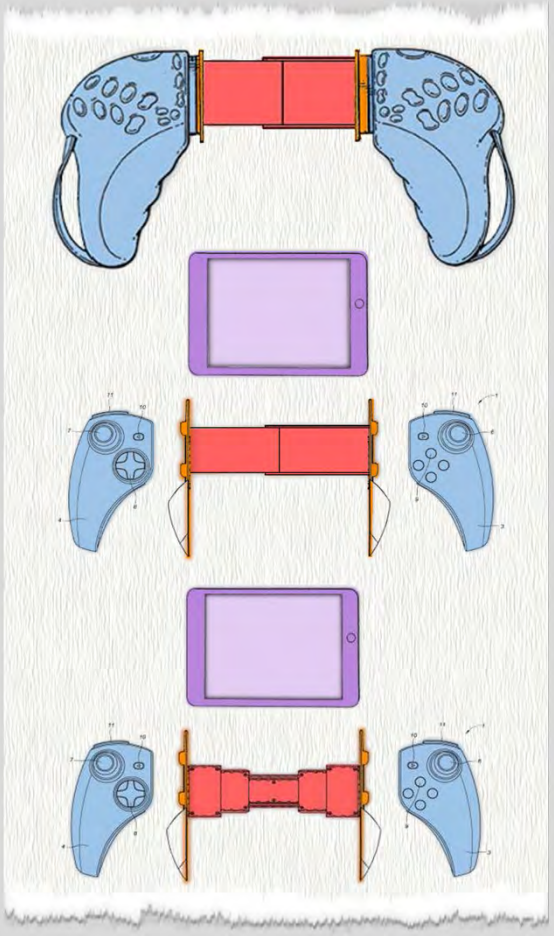
The Combinations Offered Significant Advantages

Preferably, the left handle housing and the right handle housing define therebetween a space whose size can be varied by movement of the housing handles relative to each other in order to receive handheld information processing devices of differing sizes. This provides the advantage that the controller or handheld apparatus of the present invention can be used with a range of different sized handheld information processing devices such as smart phones. For handheld information processing devices such as

Ex. 1006, ¶¶ 17-18

width. Making this modification would have been of great commercial value because it would have expanded the number and variety of compatible mobile devices for use with the gaming controllers of Willner or Schoenith. Such an improvement would also have enabled that accommodation without the need to provide multiple cradles or adaptors for each differently-sized mobile device, thereby reducing the number of products a gaming controller designer had to produce/manufacture and the number of gaming controller accessories a consumer had to purchase. Both Kessler and Park taught just such an improvement. A

Ex. 1002, ¶ 138



Paper 1, 21, 42-43, 55; Paper 21, 22-23

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Park's Bridge Disclosures Contradict Dr. Slocum's Unsupported Opinion

Dr. Slocum's opinion

facilitates the ratcheting action. However, in this design there is no positive mechanical retention of the protrusions (41) in the catching holes (32b). Therefore, during normal operation the user is likely to apply pull forces that cause the protrusions (41) to disengage from the catching holes (32b), resulting in Willner's computing device (10) coming out.

Ex. 2004, ¶ 73

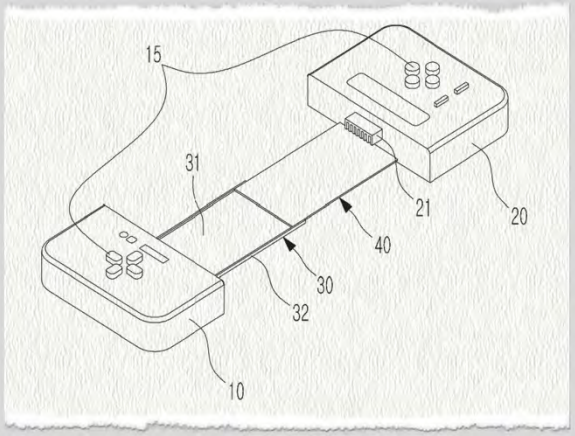
Park's teachings

Whereas the above configuration sufficiently allows for a mobile phone (1) to be mounted on the device according to the present invention and used, as the mobile phone is not sufficiently in contact with the device according to the present invention when using the above configuration, the mobile phone (1) may come loose during gaming or become detached in severe cases, hindering comfortable and stable operation of a game. Further, if a user reduces the length of the bridge (30, 40) to be less than the length of the mobile phone (1) in order to address this problem, the first and second bodies come to apply pressure on the mobile phone (1), potentially causing damage to the mobile phone (1).

Ex. 1004, ¶ 41

Paper 21, 24-25

A POSITA Would Have Compensated for Any Issues with Park's Bridge



Ex. 1004, Fig. 1

21 Just mechanically could I do it, create the
22 molds or even the 3D print, and right away have
1 something to test. I could work out the
2 spreadsheets and do the design. It'd take me a day
3 or two to get it right because snap-fits will break
4 off if you're not careful.

Ex. 1041, 208:21-209:4

In a preferred embodiment, the extension mechanism 82 is biased so as to resist movement of the handle housings 12, 14 away from each other and is of a sufficient strength so as to provide a sufficient gripping force for holding a handheld information processing device 70 between respective opposing end faces 12a, 14a of the handle housings 12, 14.

Ex. 1006, ¶ 101

Paper 21, 24-25

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Unlike Gamevice, Nintendo Relies on Objective Evidence

Gamevice argument	Alleged supporting evidence	Nintendo's contrary evidence
A computing device would pop out of Nintendo's combinations	Park (misinterpreted), Dr. Slocum Paper 18, 20-21, 33-34, 44-45; Paper 27, 19	**Willner**, **Schoenith**, **Park**, **Kessler**, Mr. Kitchen Paper 21, 8, 10, 13-20, 25
A POSITA would have had to engage in undue experimentation to connect the sidewalls and bridges in Nintendo's combinations	Dr. Slocum Paper 18, 22-23, 36-37, 47-48	**Apple iPhone 4**, **Schoenith**, Dr. Slocum, Mr. Kitchen Paper 21, 20-22
Nintendo's combinations would have provided only disadvantages	Dr. Slocum Paper 18, 24-25	**Willner**, **Schoenith**, **Park**, **Kessler**, Mr. Kitchen Paper 21, 22-24
Park's bridge is fundamentally flawed	Dr. Slocum Paper 18, 22, 35-36	**Park**, **Kessler**, Dr. Slocum, Mr. Kitchen Paper 21, 24-25

Technology Background Relevant to How Skilled Artisans Combine Prior Art



PRIDE MOBILITY PRODUCTS CORP. v. PERMOBIL, INC. 1307
Cite as 818 F.3d 1307 (Fed. Cir. 2016)

costs of loading future transportation casks, or the difference between the costs of loading these storage casks and loading transportation casks, are irrelevant to System Fuels' entitlement to the expenses it incurred for loading these *storage* casks. These are expenses incurred entirely for storage due to the government's breach. And because, as admitted by the government, these storage casks cannot be used for transportation under the Standard Contracts, System Fuels will be required, if and when the government begins to comply, as both Court of Federal Claims decisions acknowledge, to unload the spent nuclear fuel from these storage casks and reload it into suitable transportation casks provided by the government. As we have explained, "the government cannot prematurely claim a payment that has not become due." *Carolina Power & Light Co. v. United States*, 573 F.3d 1271, 1277 (Fed. Cir.2009) (quoting *Yankee Atomic Elec. Co. v. United States*, 536 F.3d 1268, 1281 (Fed.Cir.2008)). Loading into transportation casks, the parties agree, is an expense that must be incurred by System Fuels. That is not the expense for which they seek damages today.[4] The government argues that, while it is true that the storage casks loaded by System Fuels may not under the current Standard Contracts be used for transportation, it is possible that the Standard Contracts could be modified in the future such that these storage casks may be deemed suitable for transportation. Such speculation about what might happen is not sufficient to preclude the damages for which System Fuels has proven entitlement. Cases are decided on the facts of record, not a set of facts that may come into being in the future.

4. System Fuels also argues that regulations prevented transportation of certain types of fuel which it is storing (high burn-up fuel). Because it prevails in light of the state of the record which precludes transportation in the storage casks under the Standard Contracts, we need not address its additional argument related to regulatory prohibitions on transporting some of the fuel at issue in the casks at issue.

CONCLUSION

For the foregoing reasons, we reverse the Court of Federal Claims' denial of damages for the costs incurred by System Fuels in loading spent nuclear fuel into storage casks in both the Grand Gulf and Arkansas Nuclear One cases. We remand for further proceedings consistent with this opinion.

REVERSED AND REMANDED

COSTS

Costs to System Fuels.

PRIDE MOBILITY PRODUCTS CORPORATION, Appellant

v.

PERMOBIL, INC., Appellee.

Nos. 2015–1585, 2015–1586.

United States Court of Appeals, Federal Circuit.

April 5, 2016.

Background: Challenger sought inter partes review of patents for wheelchairs that raised their front wheels in response to torque from the chairs' motors, enhancing the capacity of the chairs to travel stably over obstacles. The United States Patent and Trademark Office, Patent Trial and Appeal Board, Clements, Administrative Patent Judge, 2014 WL 7405755 and 2014 WL 7405756, found the challenged

J.A. 966, 985. Based on its expert's evidence, however, Pride Mobility argues that a relevant skilled artisan would have recognized that obtaining the obstacle-climbing advantage would have come at the cost of introducing instability problems in the Goertzen chair and that adjustments of other components of the chair to compensate for instability would have introduced their own problems. But we read the Board as having found, and as reasonably understanding Dr. Richter to have testified, that a relevant skilled artisan would have "known to compensate for" the instability problem in ways that preserved the acceptability of the wheelchair. *See '598 Decision* at *10; *'343 Decision* at *12; J.A. 985–92. We need not go beyond say-

Pride Mobility Prods. Corp. v. Permobil, Inc., 818 F.3d 1307, 1315 (Fed. Cir. 2016)

Paper 21, 15

No Material Difference Between Prior and Current Constructions

'119 IPR construction of "confinement structures"	'393 IPR construction of "confinement structures"
"Confinement structures" "encompasses a 'three-sided structure' in which the computing device 'is fully nested' … as well as structures that serve as a 'cradle' to 'securely hold' the computing device"	Physical component(s) that hold(s) a computing device

Ex. 1011, 11

Paper 1, 15

Paper 1, 14-15

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Gamevice's Collateral Estoppel Cases Miss the Point

Thus, the inquiry should be whether the nonlitigated claims present new issues as to the art pertinent to the nonlitigated claims; as to the scope and content of that art; as to the differences between the prior art and the nonlitigated claims; and as to the level of ordinary skill in that art. If none of these inquiries raises any new triable issues, then the obviousness determination in the prior proceeding should be equally applicable to the nonlitigated claims.

Interconnect Plan. Corp. v. Feil,
774 F.2d 1132, 1136 (Fed. Cir. 1985)

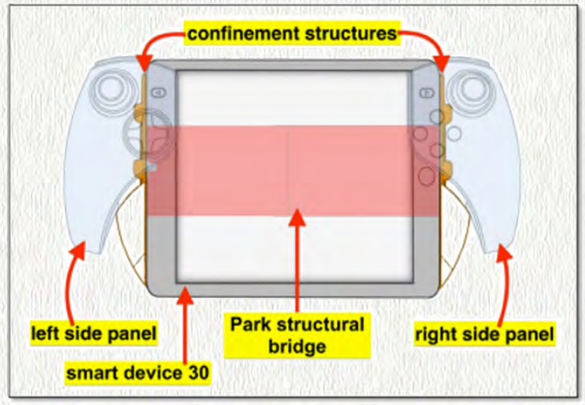
1(d)(4)—Separate and Distinct—Does Not Change the Result

1(d)(4): “wherein each electronic game control module is a separate and distinct structure from each of their corresponding confinement structures, forming no structural portion of their corresponding confinement structures”

1(d)(4)—Separate and Distinct—Does Not Change the Result

1(d)(4): "wherein each electronic game control module is a separate and distinct structure from each of their corresponding confinement structures, forming no structural portion of their corresponding confinement structures"

- Gamevice says other components can't help "hold"



Potential combination of Schoenith and Park with game control modules secured to confinement structures

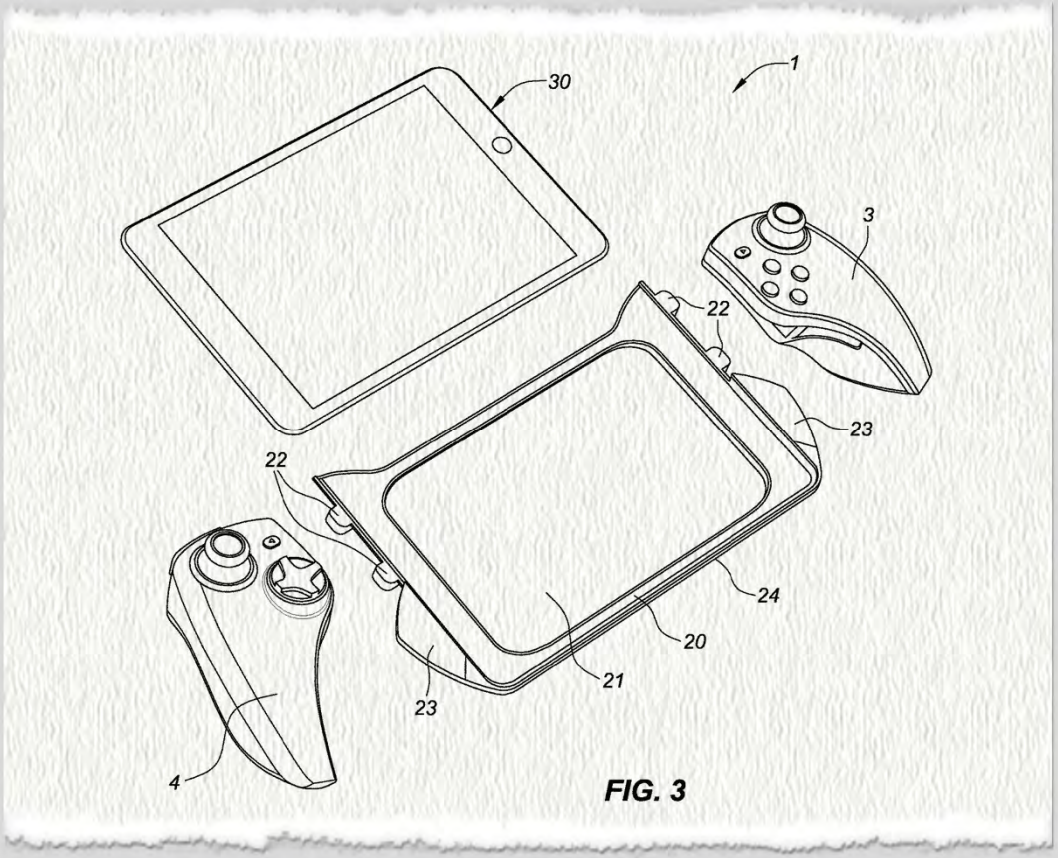
ordinary artisan. Specifically, in Nintendo's proposed combination, Schoenith's smart device 30 is only retained, *e.g.*, from coming out in the direction of the user (out of the page), by a combination of the right and left raised walls 24 from Schoenith's cradle 20, which Nintendo contends is the "pair of confinement structures," **and the side panels 3, 4**, which Nintendo contends are the claimed "electronic game control modules." *See* Pet., 42-44, 47-48; Slocum Decl., ¶¶ 106-112.

Paper 18, 30-31

1(d)(4)—Separate and Distinct—Does Not Change the Result

1(d)(4): "wherein each electronic game control module is a separate and distinct structure from each of their corresponding confinement structures, forming no structural portion of their corresponding confinement structures"

- Gamevice says other components can't help "hold" but can't identify such a negative limitation
- 1(d)(4) simply requires the modules to be structurally separate
- Panels are still "separate and distinct"—they are fully removable



Ex. 1005, Fig. 3

Paper 21, 4-5

Only Disputes for Hirschman: "Confinement Structures" and "Passageway"

Q Okay. My question is: You don't dispute this limitation because retention structures 260 are not taught to have communication abilities. You dispute this limitation because you don't think that the retention structures are confinement structures, right?

A That is correct. That's what I'm saying in paragraph 163.

Ex. 1041, 174:6-13

Paper 21, 25

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Sidewalls 282 and Retention Structures 260

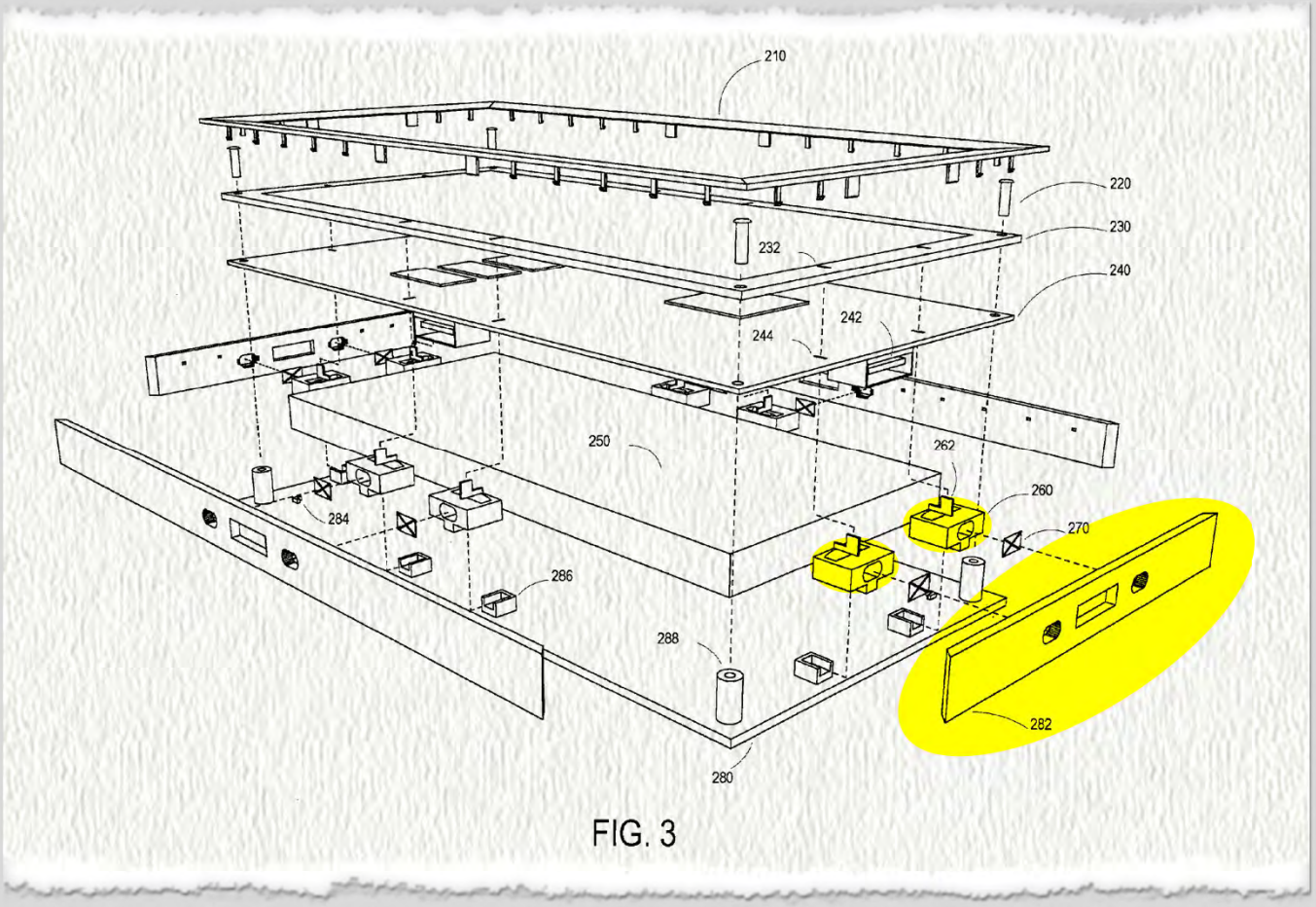


FIG. 3

Ex. 1007, Fig. 3

Paper 21, 26-28

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

“Passageway” (1(c)(2)(b))

“the passageway promotes electrical communication between the communication link of a first confinement structure of the pair of confinement structures and the computing device, the passageway further promotes electrical communication between the communication link of a second confinement structure of the pair of confinement structures and the computing device”

District Court construction: “a space that accommodates a communication wire”

Paper 1, 15

Paper 21, 25-26

DEMONSTRATIVE EXHIBIT-NOT EVIDENCE

Retention Structures 260 May Include Signaling

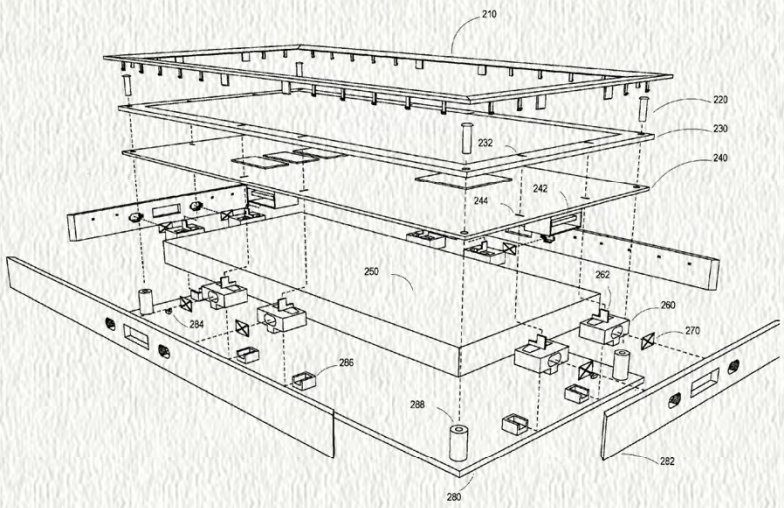


FIG. 3

Ex. 1007, Fig. 3

[0059] This configuration and method of construction may allows a portable computer system to provide electrical power to an accessory, and/or may allow an accessory to provide electrical power to the portable computer system. Electrical power or signals may flow via retention structures **260** and retention posts **160** as illustrated in FIG. **2**A, either alone or in conjunction with communications ports **242** and communications connector **164** as illustrated in FIG. **2**A. In some embodiments of the invention, an accessory may contain additional battery units to help power the portable computer system. In some embodiments, an accessory may be powered by the portable computer system, and/or may be have additional batteries recharged by the power circuitry of the portable computer system.

Ex. 1007, ¶ 59

Paper 1, 72, 75

’393 Patent, Claim 1

What is claimed is:

1. A combination comprising:

a computing device;

a pair of confinement structures, the pair of confinement structures interacting with the computing device and adjacent at least two opposing sides of the computing device, but not more than three sides of the sides of the computing device, each of the pair of confinement structures comprising a communication link, each of the communication links configured for electronic communication with the computing device;

a rigid structural bridge disposed between and secured to the pair of confinement structures, the rigid structural bridge comprising a passageway between the pair of confinement structures, the passageway promotes electrical communication between the communication link of a first confinement structure of the pair of confinement structures and the computing device, the passageway further promotes electrical communication between the communication link of a second confinement structure of the pair of confinement structures and the computing device; and

a pair of electronic game control modules, each electronic game control module of the pair of electronic game control modules is secured to and interacts with a corresponding confinement structure of the pair of confinement structures, each electronic game control module in electronic communication with the communication link of its corresponding confinement structure, wherein each electronic game control module is a separate and distinct structure from each of their corresponding confinement structures, forming no structural portion of their corresponding confinement structures, and in which each of the pair of confinement structures are separate and distinct structures from the structural bridge, forming no structural portion of the structural bridge.

Ex. 1001

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the foregoing Petitioners' Demonstrative for Oral Argument under 37 C.F.R. § 42.10(c) have been served this 9th day of August, by electronic mail on the Patent Owner via its attorneys of record:

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